

## CAVALRY ARM.

First Lieut. James Huston to be captain.

## FIELD ARTILLERY ARM.

Second Lieut. Frederick A. Prince to be first lieutenant.

## APPOINTMENTS IN THE ARMY.

## MEDICAL RESERVE CORPS.

To be first lieutenants.

Edward Lucien Aymé.  
Frank Bernard Baldwin.  
Albert Fitzhugh Beverly.  
Paul Clements.  
Emile Louis De Lanney.  
William Lawrence Estes.  
Albert Adolph Fricke.  
John Cooper Graham.  
Harold M. Hays.  
John Hunter Selby.  
Harlan Shoemaker.  
William Dey Herbert.

## PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade):

Frank R. King.  
Jacob H. Klein, jr.  
Roy P. Emrich.  
Walter F. Lafrenz.  
George C. Logan, and  
Richard E. Cassidy.

Boatswain Albert Seeckts to be a chief boatswain.

Lieut. (Junior Grade) Ferdinand L. Reichmuth to be a lieutenant.

The following-named ensigns to be lieutenants (junior grade):

David S. H. Howard.  
Francis D. Pryor, and  
Ralph B. Horner.

## POSTMASTERS.

## ALABAMA.

George C. Brown, Citronelle.

## COLORADO.

David Sloan, Crested Butte.  
Carl D. Van Dorn, Oak Creek.

## ILLINOIS.

William Folkerts, Witt.  
John Grierson, Morrison.  
George Isherwood, Tampico.  
Yale T. Kiblinger, Morton.

## KANSAS.

George Delaney, Axtell.  
Joshua M. Roney, Norcatur.  
J. L. Stevens, Stockton.  
Anna R. Wood, Selden.

## MICHIGAN.

Richard L. Owen, Ypsilanti.

## MONTANA.

Thomas Hanlon, Hobson (late Philbrook).  
Patrick H. Tooley, Moore.

## HOUSE OF REPRESENTATIVES.

TUESDAY, April 9, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, ever near to us and always ready to help those who put their trust in Thee, make us more susceptible to heavenly influences and incline our hearts to do Thy will, that with clear vision and firm, unfaltering footsteps we may go forward with undaunted courage as the duties of the hour unfold themselves, leaving the results to Thee, who doeth all things well. For Thine is the kingdom, and the power, and the glory, forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

## THE BUSINESS OUTLOOK.

Mr. Sisson. Mr. Speaker, I ask unanimous consent to have printed in the Record the speech of Hon. WILLIAM C. REDFIELD, delivered at Cincinnati on February 10, 1912, on "Some phases of the business outlook."

The SPEAKER. The gentleman from Mississippi [Mr. Sisson] asks unanimous consent to have printed in the CONGRESSIONAL RECORD a speech recently made at Cincinnati by Mr. REDFIELD, of New York, on "Some phases of the business outlook." Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Following is the address referred to:

## SOME PHASES OF THE BUSINESS OUTLOOK.

Address of the Hon. WILLIAM C. REDFIELD before the Business Men's Club of Cincinnati, Ohio, February 10, 1912.

"In speaking to a fellow Member of the House of Representatives a few days ago of what I reckon to be the great commercial value of the Philippines, he, being one of those minded to get rid of those islands as quick as possible, was kind enough to say to me that he preferred 'principle rather than pelf.' Before this body of business men I wish emphatically to protest against the idea which prevails too much to-day—that the business world is largely a world of plunder. Not that any responsible group of men quite venture to affirm this to be so, but that their actions and their words almost or quite assume it as a basis. Certainly a friendly ear is not always turned to the requests of the business community, and the sensitiveness of credit seems often to be unknown. It is true that the selfishness of some has reflected to a degree upon us all, but for that reason it is more necessary to affirm, as I now do, that the business men of America are, with rare exceptions, upright and high-minded men, respecting the rights of others, conscious of their duties to their fellows, seeking prosperity through service rather than through selfishness, and with personal consciences never so active and with public ideals never so high as to-day. Commerce is the ally of uplift and develops, not destroys. And this great club of 1,600 members is a witness that you as business men meet with open minds; each willing to learn from the other; each glad to give from his knowledge to the other. Therefore it is a special pleasure to talk with you over some of the common problems of our daily work.

"And this daily task of ours is a far more complex thing than it once was. Our business life touches now questions of public policy, questions of human interest, matters of social uplift. Others claim the right to supervise and guide our business affairs as never before, and a righteous and watchful public opinion requires us in some degree to be our brothers' keepers whether we will or will not. Commercial life is difficult enough without what an editor has recently called "the ebullitions of parochial statesmen" to add to our many cares. Never was sanity and sobriety of public thought more needed than to-day.

"Let us select from the many problems that press on our thought one that is new and growing, and consider it briefly, both as it is in itself and in relation to some of our other problems. Many of us as children were taught that our isolation on this continent, separated by broad oceans from the older worlds, was a great benefit, and we grew up, perhaps, with the idea that we were sufficient unto ourselves. But as we have become older new facts have forced these provincial views to the rear and now we face another outlook. For years we have known that the farmers and the millers of the Central and Western States have depended largely on foreign markets for their very living. It would have gone hard with Minnesota and Dakota and other States in the past if England had not needed food. But you and I had no sooner become accustomed to the idea that we were a great food-exporting nation than the picture changed. Wheat and flour no longer reign in our export trade, and our manufactures have taken their place. Had one come here to Cincinnati 20 years ago to say then that in 1912 we should be selling a thousand million dollars per annum of manufactured goods abroad I fear that even this progressive city would have heard with doubting ears; and yet this change has come about, and not only are we exporting of our manufactures to this extent, but the proportion grows. It is now over 45 per cent of our total exports, while foods of all kinds have sunk to 18 per cent. This great change, whereby the output of our shops has taken the place of the products of our farms, has gone on so quietly that now we realize it almost with a shock. It runs counter to very much that we have accepted as solid beliefs hitherto. I seem to recall, I am sure you have heard, that there were men who once said we needed a high tariff wall to keep us from the invasion of the products of the pauper labor of Europe, but now all of a sudden, as it seems, we from the hitherside have o'erleapt the wall and found pleasant and profitable markets beyond it.

"In these markets, however, we are not alone. There are others beyond that wall, and since we have gone out there and found it good let us see who these other fellows are and whether they or we, or both, are likely to find it desirable to stay there. While we have been bringing our total output of manufactures

to where they are worth twenty thousand millions yearly, a like yet different progress has taken place elsewhere. Germany in her thorough, studious way has gone scientifically to work to develop herself. Her population expands with great leaps; has grown one-half in what seems a few years. Her soil is by no means virgin territory. Her natural resources, compared with our own, are not large, but he who grasps what Germany has done with the resources she has can no longer be an enemy of conservation here at home. To intensive study of forest, farm, and factory at home she has added industrial expansion abroad; has tied the continents to her with steamship lines, and placed her banks at strategic points all round the globe, so that the German merchant finds the German ship and the German banker ready to aid him in buying and selling German manufactures in Valparaiso or Yokohama, or almost wherever he may be, and German exports of her manufactures have grown until they form two-thirds of her total exports and increase. Her export sales of her manufactures are greater than ours. They are backed by the most perfect public and private organizations on earth, by schools in which men are trained from their boyhood to the patriotic and lucrative purpose of expanding German trade. In the application of training and science and organization to business and industrial development Germany has no peer. A few days since a German, interested in their steel industry, said to a friend going there: 'If you think our ability to produce steel cheaply in Germany depends upon the wages we pay, you will find when you get there that you are wrong. It is on the perfection of our organization that our industries are based.'

"Outside the wall we have built around ourselves is another than Germany—namely, England. If with our great resources in our continental area we rejoice over an export trade of manufactures of a thousand millions, being 5 per cent of our total product of manufactures, may not the Englishman be justly proud that in 1900 he sent abroad from his contracted and 'tight little island' fifteen hundred millions in value of manufactures, or over 78 per cent of his total exports? Indeed, only so recently as 1907 his foreign sales of manufactures were over seventeen hundred millions, being 80 per cent of his foreign trade, and the best estimate available is that the United Kingdom exports its manufactures in the proportion of one to five, being a percentage of manufactured exports of more than three times our own. This solid trade rests upon a substantial base of the greatest mass of free capital in the world and upon a banking system as free and flexible as the air and as universal, and upon control of shipping that places the products of English mills wherever the English seller wills them to go, by lines controlled in his own interests. Thus, briefly, I have sketched the trinity of great competitors beyond our tariff wall. There are others, but Great Britain, Germany, and we are 'the big three.' We must stay there or shut down our shops. We have gone out into the world because we must. The product of our mills and our men and our minds has grown so large that it has burst through territorial and traditional lines. Even while we have sought protection from others, those very others have become our customers.

"For many years the great expanse of our own land and the demands of its increasing people gave our shops sufficient to do. As time went on our shops waxed large and their output grew larger, till one day we found, some of us, that we were making that which we could not sell at home. Looking over the edge of the wall we found people there who liked what we had to sell and were willing to pay for it. We sold it to them; we found the habit pleasant, and the habit has grown. But observe that the foreign market has been the normal outgrowth of a domestic market; that one is not antagonistic or abnormal to the other, but the natural and fit supplement to it. Just so it is abroad. England's great internal trade is the basis on which her foreign trade rests, and the export trade of Germany is the outcome of her great domestic commerce. They, indeed, approach the export market on a basis more like necessity than we, for our domestic demand is enormously greater than theirs, and yet there are shops in America that would not run full time to-day were they to lose their export trade. Our foreign trade is also a safety valve that relieves the pressure of overproduction at home.

"So, almost without knowing it, we have become one of the three greatest factors in the world's commerce in manufactures, and the door of a golden opportunity has swung wide open. If, like the Senator of a few years past, one were to ask, 'What have we to do with abroad?' the answer would be, 'We have everything to do with abroad.' Let us therefore ask ourselves frankly, What shall we do with this opportunity? That depends on what it means to us. Are times ever slack in Cincinnati?

Are there days when the shop superintendents more than catch up with the sales managers, when the wail of the salesman is heard in the land and the leaves of the order book are unfilled? Do there come weeks of part time and of men laid off, with sad homes to which to go, since there is no work to sustain them? Have there been anxious hours when costs were great because output could not be made sufficient in the market that was available to distribute the burden charge widely enough to make things pay? Perhaps you have known what it means to have a plant made for production lie idle, eating its head off. Perhaps there is some product you could cheaply make but which your particular market did not want. Perhaps there was some by-product that could be made if you knew where it could be sold. For these and similar ills the door of opportunity that lies open affords a remedy. Out there beyond the wall are many men of many minds, some of whom will like what you make, or will take what you would make if you could sell it, or who can use enough of your present product to add to the output of to-day that which shall make the whole cost less per unit. Suppose we all go out into the larger world and try as others have done. You of Cincinnati are not less clever than those of Detroit. A thousand automobiles monthly go thence abroad, and Detroit prospers. I have seen the products of Dayton in many lands. Indeed, I found products of Cincinnati on the other side of the globe.

"But when we get beyond the 3-mile limit you and I will not find it all plain sailing. There are some troubled waters on that business sea, and our craft will need steering just as it does at home. Toy boats do not navigate those waters. The German and the Englishman are not easily beaten on their own ground, and they have hitherto had to help them certain of our own domestic ghosts. It is strange that so practical a people as we should be ghost worshippers, but we have been, and some of us still are. One ghost, called the 'Rate of wages,' has long stalked about on top of the tariff wall and scared us with his ferocious visage. He has a fellow ghost called the 'Cost of production.' While we, fearful of these specters, have many of us feared to cross the wall, the Englishman and the German have fattened and grown rich, somewhat at our expense. If you and I will follow those bolder spirits among us who have faced these ghosts and dealt at first hand with them, we shall find, as others have, that they turn out not to be so bad; indeed, the ghost called the 'Rate of wages,' when you treat him well and give him a square deal, is a kindly spirit, and just as you come to understand him the other ghost, called the 'Cost of production,' retreats and becomes harmless. Indeed, it is not far wrong to say that foreign trade is based on a state of mind. The trouble has been that we have worried a lot about these ghosts and have not been troubled as much as we ought to have been about certain real vigorous devils. A good cartoonist could make a rather clever picture of some American manufacturers. He could picture them sitting behind their tariff wall—a sort of industrial shut-in society—looking up at the ghosts at the top of the wall, wanting to get over the wall but afraid of the ghosts, while behind them in their own shops rage unnoticed and unhindered rampant devils of waste, neglect, and inefficiency. So our getting over the wall and finding it possible to stay on the other side profitably, along with our friends, the English and the Germans, comes back after all to our own shops and to the problems in them with which we have to deal.

"The trouble with us is that we have always seen the ghosts on the wall, but the devils have been invisible. Let us go hunt for them now, and to find them quickly let us look right within ourselves. If there is a devil of blindness about our shops, the chances are that you and I have been blinded by him. If there is a devil of neglect about our plant, the chances are that it is you and I who have been neglectful. If the demon called 'Inefficiency' hovers about our works, the probability is that you and I are in his grip. If the evil spirit of waste is about, the chances are that he is there with our unconscious consent. So the first thing to do, my fellow business men, to get into the pleasant lands beyond the wall is to become our own severest critics and to follow out the old brief proverb, 'Man, know thyself.' Do you want export trade? Do you want to know how to get it and keep it against the German and Englishman? Then begin in your own shop here in Cincinnati, and begin first of all with yourself. This is, perhaps, not pleasant doctrine, but it is a fruitful one. Shortly ago a friend was called by a large concern to reorganize it on a scientific basis. When he presented his plan the manager was mad. He said to my friend, 'I hired you to prepare a plan showing me how to work the men in the shop, and you begin with a plan which tells me how to work myself,' and he would have none of it. There have been a number of cases where economy was prohibited because it com-



menced with the management. We do not say, of course, that we know it all, but we merely think competent teachers are scarce. I recall one case where the owner was very proud of a machine shop, which in certain respects was working at one-eighth of its full capacity. It is not long since the owner of a large plant told me that while no doubt inspection would develop in his shops certain faults here and there, he was sure nothing could be done which would seriously improve his way of working. The devils had him hard and fast. On the contrary, I recall a man who at the end of 20 years was vividly conscious of the things he did not know about his own business. He said that he could never afford to be satisfied with his way, because when he was satisfied he knew he would need the Lord to help him, because he would then have ceased to help himself.

"There is a great plant in the East which sends out its foremen, at the company's expense, many times a year, both into America and into Europe, just to see what they can learn. The truth is, a modern shop must be more or less of a schoolhouse, and in it the manager must be one of the pupils. One of the examiners for the Tariff Board, in its recent investigations of Schedule K, told me that he visited 16 shops in an industry collateral to the woolen and worsted trade. I asked him if in any of the shops he visited the owners and managers knew what their goods cost them. He said they thought they did, but that they did not, and it had been his duty in several cases to show them why and to what extent they were mistaken. Naturally, to the next question, Did any of these shops have an accurate system of cost keeping? he replied in the negative. The devils of which I have spoken were having it all their own way in this trade. Seriously, gentlemen, then, conceiving that export trade is desirable, necessary, and possible, the first way to get it is to begin in your own shops at home. From a somewhat long experience at home and abroad I have never yet found a shop where, if the devils I have mentioned were driven out and in their place the mighty spirit of "self-help" was installed, the ghosts gave any more trouble. So let us all go into our own shops and forget our traditions and throw our fetishes away. Turn the clear light of truth and honest inquiry on ourselves. Let us recall that nothing is good because we do it, and no method is desirable because we have been in the habit of doing things that way. Let us, so to speak, stand outside ourselves and look at ourselves and test our ways, whether they be good or not. If we will do this with an open mind and sincere vision, the result will surprise the best of us. Not in Washington, nor in the customs, but within ourselves, is the best protection found.

"We shall find that this self-study will bring some things into new relations. It should teach us, for example, that in dealing with the four elements in cost—material, burden, selling expense, and labor—there is most ample opportunity for brains in the study of the first three. We shall be likely to find that the study of the burden charge by itself can be made continuously profitable. More than one goodly business ship has gone to wreck on this rock. The ratio of selling expense to output and its adaptation to possible prices will afford food for sober and patient thought. Both these subjects remind me of what Edward Atkinson used to say about the need for fire pails in factories. His ruling was, 'Put in all the fire pails for which you have room, then put in some more.' Deal this way with your burden and selling charges. Back up your purchasing agent now and then with some original reflections of your own on the subject of material and supplies. All this is a man's job, and when with effort and pain you have gotten these three down to a safe and sane point from which, through years to come, you can still further steadily reduce them, then see what the spirit of 'self-help' says to you about the last and the minor element in cost, namely—labor. Now of all the four parts of costs, labor is the only one that is alive. Material is dead stuff. Our burden charge is clearly a dead load. Our selling expense we aim to kill, and let us hope we shall reduce it to a corpse of proper size. But the one living element in production, the one part of cost having real vitality, is labor, and that is very much alive. Because it is alive it may be responsive, and by the same token it may be obstructive. It is the greatest force in industry; the only living force, too often a wasted force, too rarely a force used as we use an engine—reciprocally. Let us think of this a bit with candid and open minds.

"You and I are very careful about buying a machine. You here who make the machines for which Cincinnati is famous are very careful that the machines you sell are adapted for their special use. You advertise them as such and your customer buys them solely because they are adapted to the service he requires from them. When they get them under your in-

structions they are treated with great care. They are not overstrained, for you and your customer know something about the fatigue of metals. They are not overheated. What would you do with the foreman that often allowed bearings to get overheated? They are kept free from dust; you put in exhaust systems to take the dust out from where it will do harm to a machine. They are most carefully lubricated, and you do not let moisture come where it will do them harm. In brief, that machine, being a valuable investment, is treated according to the laws of its nature, and you carefully learn those laws and obey them because it pays. So with your material. That is especially adapted to the use to which it is to be put and you are careful not to waste it or to use for one purpose that material which is better adapted to another. This also, therefore, is utilized in your shop according to the laws of its nature. Your buildings, your transmission appliances, your power plant, your light, your arrangement, and all the complex apparatus that makes the unit you call your plant, are carefully arranged, each element fitted to its particular service so as to be most efficient, so as to require the least of maintenance cost and the smallest repair outlay. How now about your men? Is the same careful process of selection applied to them? You do not use a lathe for screw-machine work. Are your men adapted or trained to their special task with the same precision? Your industrial history shows that you do not hesitate to pay largely for an efficient machine. Are you as willing to pay largely for an efficient man? Is the same strict care given to the conditions that human nature requires for its best work that is given to the conditions which mechanical nature requires for its best work? Have you carefully avoided the obstructive element in this living part of production, and are you and I as carefully cultivating the responsive element in it? When the spirit of 'self-help' controls us all and we have driven the devils out of our shops, we shall come to understand, you and I, that in the responsive power of our working force lies the mightiest element in production. One that may make the difference between loss and profit, between peace and war. I have known a shop in which there never was put upon the stationery anything to the effect that contingent delays due to strikes were not matters for which the house was liable, but where it was quite the custom to send the bills out for less than the price at which the goods were sold because the high efficiency of a responsive working force had made them cost less than was expected.

"But some one will say labor makes mistakes, makes unreasonable demands. Doubtless. But are you and I like the sheriff of Nottingham who—

Never yet had made a mistake  
Would like to for variety's sake?

"And when it comes to being unreasonable, why, let him that is without sin among us cast the first stone. As I look into my own mind and heart I can not begin heaving rocks on this basis. Can you?

"We need export trade for a proper and steady balance to our home business; and to keep our costs down by holding our product up. Our two great foreign competitors have many advantages of position, wealth, experience, and knowledge. We have chiefly to rely on the alertness and initiative of ourselves and our workmen. It is of the very essence of our safety that we pull together, a united force in every shop, hands and brains in unison to the common and growing profit, to the larger wage, to the lower cost and the lessened price. Gentlemen, your domestic business needs to feel the throbbing pulse of the larger world of foreign commerce. 'One must be done, the other not left undone.' Stability in home markets depends largely on ability in foreign ones. But the larger life is not entered, the door of opportunity is not passed by standing pat any more than it is by joining a club or an export association, good as these are. Fighters in the world's arena must lay aside every weight and the habits of thought and traditions that so easily beset them, and with keen self-training address themselves to the contest. The world is said to grow through its discontent and your trade will grow on your own self-discontent with every present standard and method. The place for narrow men is in ruts; for dead men in graves. The big world calls for big men, large in outlook, broad in view, keen enough to see that economy lies not so much in saving as in wise expenditure.

"Industrial education has here in your noble city made great strides that have brought you deserved honor, but there are two kinds of industrial education—that of the hand and brain within the shop; that of the heart and brain within the office. I plead for both, for these two are one. One need not speak for any method of management. These are many, of varied and different merit. But for one great, broad, generous, and effi-

cient spirit of management I may fairly plead. One that shall be intolerant of waste of all kinds and to which neglect shall be a sin. One that shall set high standards of efficiency but equally high ones of sympathy. One that shall be large enough to see that with proper equipment and wise direction the well-paid man is the cheapest producer. One that shall slay the spirit of gaining through gouge and shall bring to life the spirit of success through service.

"Does this seem practical to your minds? If not, let us reduce it to details. Never give up self-study. There will always be something to learn about your ways. 'The goblins they will get you if you don't watch out.'

"Don't let your initiative get sterilized by a tariff or anything else. This may be as a friend says it is—'grossly inferential,' but it is true nevertheless.

"It is not wise to sterilize the initiative of your working force by looking so hard at a quarter yourself that you can't see the five-dollar bill beyond.

"A justly discontented force can cost you more directly and indirectly than the most expert and costly supervision can ever find out.

"The cheapest and most efficient discipline is that which a well-paid, hopeful, and zealous working force naturally create.

"The cutting of piecework rates and wages is the hall-mark of inefficient management.

"Obsolete machinery is the foe of profits, the brother of high cost, and the friend of bad methods.

"A Bourbon superintendent who can't learn is as bad and no worse than a Bourbon employer who won't learn.

"Export trade begins at home, in your own shop, and first with the head of it. To get it bring your wages and output up—your costs and prices down; know what is doing in your own plant and you can smile at a competing world.

"When you have good stuff to sell, well and cheaply made, properly designed, and of regular quality, well packed, you will have no trouble to sell it abroad. What one country or market won't take another will. It's a large world. Export trade is not an 'easy snap,' but it is a necessary filler. Our shops are built to run, to produce, and the money of Argentina will buy bread and cheese in Cincinnati.

"When things are dull at home, why cut off our earnings at the root? A large market is better than a little one. The balanced demand of all the earth is steadier than the needs of any one country, however large. There is room in many lands to do what is not now done at all, or to do better what is now ill done.

"Finally, gentlemen, I have not sought to deal with details but with essentials, and the most essential thing in our shop is, or ought to be, ourselves. Therefore I have tried plainly to speak to you of our own needs for self-help—the same thing in our industrial life that we teach our children in our private lives. Let us therefore lay down certain laws for ourselves:

"A thing is not right because we do it.

"A method is not good because we use it.

"Equipment is not the best because we own it.

"The wisest of us has much to learn.

"None of us can afford to be deceived about our own affairs.

"It is better by self-criticism to find and correct our own faults than to have our customers do it for us.

"It is a sound law of the business world—'To thine own self be true and it shall follow as the night the day: Thou canst not then be false to any man.'

"And I end as I began. To get by the law of gouge and grasp is not true commerce. Against that law our enlightened business sense protests, and with equal force it protests against the wicked assumption that our business men are in any large part under the control of the law of gouge and grasp.

"Commerce is service, the friend of the worker, the servant of the consumer. I venture a protest against the spirit of attack that far too much prevails. Criticism should be a sane and sober process. This is not found in that tyrannous type of mind that involves those who disagree with it in torrents of common abuse and denunciation. All are not wicked at whom mud is thrown, and righteousness is not advanced by evil means. We believe in progress; it is a law of business to do so. But we believe also in moderation and base our hopes for the future on moderate progressiveness and on progressive moderation, in public as well as in business affairs."

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GREEN of Iowa, for 10 days, on account of important business.

To Mr. BROWN, for 3 days, on account of important business.

#### INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill 20728, the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20728, the Indian appropriation bill, with Mr. BARNHART in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of House bill 20728, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913.

The CHAIRMAN. The Clerk will proceed with the reading of the bill under the five-minute rule.

The Clerk read as follows:

For extension and maintenance of the irrigation system on lands allotted to Yakima Indians in Washington, \$15,000, reimbursable in accordance with the provisions of the act of March 1, 1907.

Mr. LA FOLLETTE. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Washington [Mr. LA FOLLETTE].

The Clerk read as follows:

On page 24, at the end of line 7, amend by adding the following:

"For support and civilization of the Kalispel Indians in the county of Pend Oreille, State of Washington, to erect a school building, employees' quarters, and other necessary buildings and providing the same with equipment, in the purchase of stock, implements, seeds, and other articles necessary to promote the general welfare of said Indians, including the employment of teachers and instructors, under the jurisdiction of the Spokane Indian School, Spokane, Wash., with the approval of the Secretary of the Interior, \$10,000."

Mr. STEPHENS of Texas. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Texas reserves a point of order on the amendment. The gentleman from Washington [Mr. LA FOLLETTE] is recognized.

Mr. LA FOLLETTE. Mr. Chairman, I am well aware that this item is subject to a point of order, but I have hopes that after the Committee of the Whole House hears of the condition of these Indians and their status at the present time it will be willing to forego the point of order and allow this amendment to pass.

I would like to read to the committee a letter which I received some little time ago, bringing to my attention the condition of these Indians. This letter is from the Rev. Father L. Taelman, now president of Gonzaga College, Spokane, Wash., but for many years a missionary among the Indians of northeastern Washington, and held in fondest reverence by all the tribes of that section:

GONZAGA COLLEGE,  
Spokane, Wash., February 10, 1912.

Hon. WILLIAM L. LA FOLLETTE,  
House of Representatives, Washington, D. C.

MY DEAR MR. LA FOLLETTE: I greatly desire to interest you in behalf of a little band of Kalispel Indians, 98 in all, who live along the Pend d'Oreille River, across from Cusick, Wash. As I visit these Indians every second month, I know them well and am thoroughly familiar with their conditions and circumstances. As far as I know, no Indians have been more neglected by our Government, and yet none are more deserving of assistance. In my 10 years' experience amongst different tribes, I have never come across an equal number of Indians that are so moral, law-abiding, trustworthy, and just as this little tribe of Kalispels. The testimony of their white neighbors across the river is to the same effect. Their spiritual condition is excellent, but their material and intellectual condition is truly deplorable. None of these Indians have ever been to school, because there never was a school there. They have never been taught to farm their land, because they were never given an Indian farmer who could show them how to do it, and as they have always been poor and destitute, they had no means to buy farm implements. Some 25 years ago they were forced away from their land around Cusick and had to go across the river, where 9 sections of land were given to them. As this land was never allotted, some Indians to-day are absolutely without land. These Indians are asking for a day school for their children (I counted 20 of school age) and for a good man who could be an Indian farmer to them, as is done in many other places. If such a man could be the teacher, and in spring, particularly during the three vacation months (June, July, and August), help and direct the Indians for their crops and the cutting of their hay (for hay is their principal crop), if besides, the wife of such a man could dispense some medicine to the sick Indians and be something like a field matron, visiting the houses and teaching the women how to prepare a decent meal or keep their houses clean, the greatest benefit would be conferred upon these poor Indians who are at present absolutely neglected in every way. I accompanied the Indian inspector, Mr. Baker, last week on his visit to those Indians, and he also realized their position.

Asking your help in behalf of these Indians, I remain,

Yours, very respectfully,

Rev. L. Taelman, S. J.,  
President.



Mr. Chairman, a couple of days ago I read in my daily paper from Spokane—the Spokesman-Review—the following concerning this same little band of Indians:

INDIANS NEAR STARVATION—FATHER TAELEMAN TELLS OF PITIFUL CONDITION OF CALISPELS—LACK OF FOOD BLAMED FOR DEATHS OF FOUR CHILDREN IN LAST FEW WEEKS.

That the Calispel Indian Tribe is in a pitiful condition and that the chief is subsisting on a fare of Indian bread and coffee was the announcement made by the Rev. Father Taelman, president of Gonzaga College, on his return from the reservation, where he conducted services yesterday.

"I have seen few cases where a tribe seemed to be in a more pitiful condition," said the Rev. Father Taelman. "I find that during the last few weeks four children and an Indian woman have died. The Indians are not neglecting their services, but are more destitute than can be imagined."

"I found the old blind chief, Massala, seated with other Indians making a meal on the Indian bread smeared with lard as a substitute for butter. This, together with a little coffee, was their only food."

The Rev. Father Taelman reports that the second chief, Nicola, has been ill, but is now recovering. It is believed that the poor diet may have been responsible for the ailments which caused the death of the children.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LA FOLLETTE. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Washington [Mr. LA FOLLETTE] asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. LA FOLLETTE. Mr. Chairman, some 25 years ago this band of Calispel Indians were, by Government authority, removed from their hunting grounds, or the country which they had inhabited, to some reservation—the Indian Department could not tell me this morning what reservation, but their impression was that it was the Flathead—but, as is always the case in moving Indians, there were a part of them who did not want to be taken away from their home, and a little band of them was given 9 sections of land, set apart by the Government for a reservation, and there for 25 years they have remained absolutely without any assistance from the Government. In those days they got along very well, because there was still game and fish in the country. The country has settled up. The game has been run out of the mountains. These Indians are now absolutely destitute, and some of them are suffering for the necessities of life. If they could have this little appropriation and be given a start, it would be only a short time until they would be self-supporting. We have some reservations in our State, and the Indians on those reservations are almost self-supporting, only \$27,000 being appropriated for the six reservations in the State of Washington.

Mr. FOSTER. Mr. Chairman, may I inquire how many of these Indians there are?

Mr. LA FOLLETTE. About 100—96 or 98 of them—and 20 of them are of school age.

Mr. FOSTER. The total population—men, women, and children—is about 100?

Mr. LA FOLLETTE. Yes.

Mr. FOSTER. These Indians own the land on which they live, do they not?

Mr. LA FOLLETTE. No; it belongs to the United States Government. It was simply withdrawn from entry. They own nothing. They were poor when they were put there, and they are poorer now. The Government has had no means by which it could do anything for them. It takes an act of Congress to do that. If this amendment passes, then the Government can look after them. These nine sections of land which have been withdrawn from entry have never been allotted, and because of the fact that the country has settled up, the game has disappeared, and the Indians have no means of obtaining food and are absolutely destitute at the present time.

Mr. FOSTER. Does the Government support these Indians at all?

Mr. LA FOLLETTE. It never has given one dollar to them. It only allowed them to remain upon this land when they refused to leave their homes. The Government put them across the river from where they had lived, onto these nine sections of land, and there they have been ever since, without any assistance in any way. I obtained that information from the Indian Department this morning, and while I could not get anything except the expressed desire, the Indian Department has said it would be glad to have this legislation pass, so that they would be able to do something for these Indians.

Mr. STEPHENS of Texas. Mr. Chairman, I will ask the gentleman if it is not a fact that these Indians have been self-sustaining for the last 25 years?

Mr. LA FOLLETTE. All the sustenance they have had for the last 25 years is what they have obtained for themselves. The Government has never done anything for them, only to allow them to occupy this land.

Mr. STEPHENS of Texas. Is it not also a fact that the gentleman's State has been in the Union 40 or 50 years?

Mr. LA FOLLETTE. No, sir; my State has been in the Union 23 years.

Mr. STEPHENS of Texas. You have been represented by Senators and Members of the House, and now have two Members of the House?

Mr. LA FOLLETTE. Yes.

Mr. STEPHENS of Texas. Do you know why it is that the attention of the Indian Affairs Committee of the House has never been called to this state of affairs?

Mr. LA FOLLETTE. I think the only reason in the world has been that these Indians until now have never got into this destitute condition. As I say, the country has settled up. This is in the most mountainous, timbered, and probably the least developed part of our State. As I said before, so long as there was game there the Indians could make a living.

Mr. STEPHENS of Texas. Is it not a fact that this band of Indians broke off from the original band because they refused to leave this mountainous country?

Mr. LA FOLLETTE. Yes.

Mr. STEPHENS of Texas. Refused to go down where a good reservation was given them?

Mr. LA FOLLETTE. I can not tell the gentleman anything about that. The gentleman with whom I talked at the Indian Office this morning—

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I can not withdraw my objection to this amendment. Does the gentleman desire more time?

Mr. LA FOLLETTE. If I can not induce the gentleman to withdraw his objection, there is no use in my taking up the time of the committee.

Mr. STEPHENS of Texas. I should like to ask the gentleman another question.

Mr. LA FOLLETTE. I shall be glad to answer it.

Mr. STEPHENS of Texas. Has the gentleman anything at all from the Indian Department, or from any supervisor of Indians in that country, expressing an opinion in favor of the passage of this amendment?

Mr. LA FOLLETTE. Yes.

Mr. STEPHENS of Texas. Did the gentleman ever present anything of the kind to our committee?

Mr. LA FOLLETTE. I presented it a few weeks ago to the House, but when I made inquiry at your committee room there was no record of the matter, and I had expected that the amendment would be printed and come back to me. Senate amendments, I knew, were printed, but I did not discover that House amendments are not so treated until the bill was called up. For that reason, until this measure came before the House, I never called it to the attention of the committee, and did not know that the bill was to be reported so soon.

Mr. STEPHENS of Texas. Is it not a fact that the gentleman from Washington [Mr. WARBURTON] is a member of the committee?

Mr. LA FOLLETTE. He is; but I was waiting until I could get a copy of the bill and I could bring it before the committee. I admit that I am at fault, and I am trying to correct it if possible.

Mr. STEPHENS of Texas. Does the gentleman think that the committee would be justified in accepting an amendment on the floor about which they know nothing? I believe there are 20 members of the committee, and I am the only one that the gentleman has talked with in regard to it. I do not think that the amendment should be adopted until the facts are investigated.

Mr. CAMPBELL. Will the gentleman yield?

Mr. LA FOLLETTE. Certainly.

Mr. CAMPBELL. May I suggest that in view of the apparent oversight that this matter may well be presented to the Senate and be taken care of there, giving the gentleman from Texas and the other conferees an opportunity to inquire into the merits of the claim before the matter reaches the conferees?

Mr. LA FOLLETTE. I think that is all right, and I think it would be satisfactory.

Mr. CAMPBELL. I think the gentleman from Washington might be taken care of in that way.

Mr. LA FOLLETTE. I wanted to bring it before the House and call the attention of the committee to it, and if gentlemen will call up the Indian Department they will find that the department will corroborate what I say.

Mr. MANN. Will the gentleman yield?

Mr. LA FOLLETTE. I will.

Mr. MANN. I notice that the amendment offered by the gentleman provides for the purchase of seed and various other

things. The provision that is usually carried in the bill is for "support and civilization." Is it necessary, if the gentleman gets the money, to have the item provide specifically for these things?

Mr. LA FOLLETTE. I do not know that it is, but the Indians need these things. There will have to be seed purchased. It may not be necessary to specify them.

Mr. MANN. Did the gentleman have any special reason for specifying these things instead of providing for "support and civilization," as is the usual form?

Mr. LA FOLLETTE. No; I did not have any particular reason, except that they would need them, and I wanted to fix it so that they would get what they absolutely needed. If they can get a start, I am satisfied that in a short time they will be self-supporting.

Mr. STEPHENS of Texas. Mr. Chairman, I think that this should go to the Senate, where it could be investigated by the committee in the regular order, and then, if the gentleman can justify his claim, the conferees will take care of it in the best light placed before us. I insist on the point of order.

The CHAIRMAN. The gentleman from Texas insists on his point of order, and the point of order is sustained.

Mr. LA FOLLETTE. I thank the committee for according me this time.

The Clerk, proceeding with the reading of the bill, read as follows:

For support and education of 175 Indian pupils at the Indian school, Shoshone Reservation, Wyo., and for pay of superintendent, \$31,025; for general repairs and improvements, \$3,000; in all, \$34,025.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

In lines 6 and 7, page 35, strike out the words "thirty-one thousand" and insert the words "thirty-two thousand five hundred," and in line 8, page 35, strike out the word "three" and insert the word "four."

Mr. STEPHENS of Texas. To that, Mr. Chairman, I reserve a point of order.

Mr. MONDELL. Mr. Chairman, this amendment is not subject to a point of order. It increases the item for support and education of Indian pupils at the Indian school on the Shoshone Reservation, Wyo., \$1,500; and increases the item for repair \$1,000, or \$2,500 all told. This increases the item to the amount of the estimate.

Mr. FERRIS. This is not the gentleman's road amendment?

Mr. MONDELL. No. I am surprised the committee did not allow the amount estimated, inasmuch as the Indian commissioner rather forcefully stated the reasons for the increase over the appropriation of last year. The committee has appropriated exactly the amount that was appropriated last year, but the Indian agent asked for an increase of about \$5,000. The Secretary reduced that to an increase of \$2,500.

Mr. STEPHENS of Texas. Is it not a fact that a part of that was the salary of the superintendent?

Mr. MONDELL. A part of the increase is to meet this condition of affairs: The salary of the superintendent at that reservation was reduced some time ago by an increase in his bond. The amount of money in his possession had been increasing, and the bond was not considered sufficient under the circumstances. The Indian commissioner thereupon increased his bond. The amount which it was necessary for him to pay for the premium on the increased bond reduced his salary somewhat.

Mr. STEPHENS of Texas. Mr. Chairman, is it not a fact that all the superintendents are required to give these bonds in conformity with the rules and regulations of the Government?

Mr. MONDELL. Mr. Chairman, that is true; but this superintendent has had an unusual amount of money in his possession, and his bond is considerably larger, nearly twice that of some other agents under the same conditions. The amount which it is proposed to increase the salary of the superintendent is small. It is proposed to increase by a small amount the salaries of several other employees who are now very poorly paid. I want to call the attention of the committee to the fact that this is an exceedingly important agency.

Mr. STEPHENS of Texas. Is the gentleman aware of this fact, that all of these bills uniformly carry this increase, and we have objected to all of them, and that we could not afford to make an exception in any case without going back and treating all of these agents in the same way?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I insist that the chairman of the committee shall not convey the impression that the increase I am asking for is wholly an increase of the salary of

the superintendent. The salary of the superintendent may be increased \$200, if this additional appropriation is granted, or it may not be. That is a matter which is left to the judgment of the Indian Commissioner. I visited this school last fall, and I know that there are quite a number of the employees there who are miserably underpaid, and I know, in addition to that, that they have been attempting to run this school with such a small cost that the Indian pupils have not in all cases had all of those things that should be had for their comfort. It is one of the cheapest schools in the country. The average cost per capita is nearly \$50 less than that of some of the schools in the States immediately to the west of Wyoming. In addition to that a part of this increase, \$1,000, is for repairs. We have many good buildings at that school, but they have reached a point when they must be repainted and repaired to a certain extent or our property will rapidly depreciate. I talked with the superintendent in regard to his estimate for repairs, and he said that he had reduced it to the last penny that they could get along with, and yet the commissioner reduced that, and now the committee reduces it an additional \$1,000, so that the amount proposed to be appropriated is about \$2,000 less than the superintendent says is absolutely essential at that school in order to keep those buildings in repair. I have no doubt that is true. I went about with him, and he pointed out here and there where expenditures were absolutely necessary if we are to maintain those buildings in any sort of usable condition. This is an increase of \$2,500 over the present appropriation. The increase has been asked for by the Indian Commissioner because he believes it is absolutely essential, and the small portion of that increase that might or might not be paid to the superintendent—an increase of perhaps \$200—is certainly not such an increase that anyone need feel disturbed about, in view of the fact that this superintendent not only cares for this school, but has charge of a reservation of half a million acres and of great irrigation systems. As a matter of fact, his salary ought to be twice what it is, and I hope the committee will agree to the increase.

Mr. STEPHENS of Texas. Mr. Chairman, I do not think that we should agree to this suggested increase, and that the gentleman's amendment should not become a part of this appropriation bill, for the reason that on page 5 we have a general lump-sum appropriation for the very purpose that he desires. The item is in the following language:

For construction, lease, purchase, repairs, and improvements of school and agency buildings, and for sewerage, water supply, and lighting plants, and for purchase of school sites, \$425,000.

That is a lump-sum appropriation which can be used by the Commissioner of Indian Affairs and by the Secretary of the Interior and applied to this school. There is no necessity for making a special exception in favor of this school. If we did, we would be called upon to make a special exception in the case of every similar Indian school in the United States.

Mr. MONDELL. But the committee has already given them \$3,000 for repairs in this item.

Mr. STEPHENS of Texas. For general repairs and improvements, \$3,000. If there is any more needed, there is no question but that they could take it out of the general fund; and as I have stated, it is not necessary, in my judgment, for them to come to Congress for all these different amounts that they are asking for by special amendments. It should be taken care of in the lump-sum appropriation.

I call attention to the further fact that the teachers and superintendents and other employees of the Indian schools have asked for a uniform advance of salaries all over the country. We have reduced them all to the amount carried last year, and it would be unjust to except this school from this reduction and leave all of the other schools with the reduced amount. We are placing this school on the same footing as all other Indian schools.

Mr. MONDELL. Is it not true that the lump-sum appropriation can not be used for a purpose for which there is a specific appropriation? Is not that a rule that runs through the bill?

Mr. STEPHENS of Texas. I do not think so. I think that this lump sum is distributed under the jurisdiction of the Commissioner of Indian Affairs.

Mr. MONDELL. Then why make any specific appropriation if the lump-sum appropriation can be used for the same purpose.

Mr. STEPHENS of Texas. We have an estimate made by the department and sent in to us, and part of this estimate is an increase of salaries, and we have uniformly reduced that amount to the sum carried in last year's appropriation.

Mr. MONDELL. Mr. Chairman, if the gentleman will allow me, I will say to him that I made a request last fall for the use of some of this lump-sum appropriation for repairs on this school, and was informed that inasmuch as there was a specific



appropriation it could not be used, and they did not get an appropriation which they needed to repair the washhouse that they were building.

Mr. BURKE of South Dakota. Will the gentleman yield for an interruption?

Mr. STEPHENS of Texas. Certainly.

Mr. BURKE of South Dakota. I would like to call the gentleman's attention to the fact that at the Pierre School, with the same number of pupils that are at the Shoshone School, the amount appropriated and used last year for employees was \$12,829, and at Cheyenne it was \$12,848; in other words, they were about the same. At Pipestone School, Minnesota, with 225 pupils—that is, 50 more than at either of the other schools—the amount used was only \$1,635 more for the additional pupils, and I will say at the Pierre School, for the benefit of the gentleman from Wyoming, they have operated a large farm of 300 acres and therefore are required to have employees more than a school that has not a farm.

Mr. MONDELL. They have a very large farm upon which they raise things—

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, in this connection I would like to inquire of the gentleman in charge of the bill whether any schools or agency plants are recommended by the Secretary to be discontinued in the report which he made in December last, assuming that he made such a report; I have not seen it. The law carried last year a provision requiring the Secretary to make a report on the 1st of December last as to all schools and agencies, giving various amounts of information and recommendations and reasons for continuing or discontinuing the agency plants or schools.

Mr. STEPHENS of Texas. I think the Bismarck School is the only one I can recall now as not being necessary at the present time, and they never estimated for that.

Mr. MANN. I assume that he complied with the law giving a statement of the reasons why the schools and agency plants should be continued or why they should be discontinued. The current law, the appropriation law, provides that the Secretary of the Interior shall accompany such report with the recommendation, supported by a statement of his reasons therefor, as to the necessity or advisability of continuing or discontinuing each such school or agency plant.

Mr. STEPHENS of Texas. The gentleman from South Dakota can explain the Bismarck School matter.

Mr. MANN. I just wanted to know in a general way.

Mr. BURKE of South Dakota. I will say for the benefit of the gentleman that the report was made and it has been published as a House Document. It is House Document No. 209, Sixty-second Congress, second session. My recollection is the report does not recommend the discontinuance of any school for which an appropriation is carried in this bill, but in submitting the estimates for the several Indian schools no estimate was submitted for the Bismarck School, North Dakota. The committee, however, made an appropriation for that school. Unless I am mistaken—and I think I am correct about it—the Bismarck School was not specially referred to in this report as a school that ought to be discontinued, but—

Mr. MANN. The gentleman knows there has been a good deal of controversy in the House and in the department and in the country as to whether a lot of these Indian schools and agencies ought to be abolished or whether they ought to be continued, and there have been reports and statements emanating from the department that various schools ought to be discontinued. I simply ask whether in this report the Secretary did advise or give reasons for the discontinuance of any school or agency plant?

Mr. BURKE of South Dakota. My understanding is not where an appropriation is carried in this bill, but I am not absolutely certain about it.

Mr. MANN. I was wondering when we really get down to brass tacks what the department would advise as to the discontinuance of schools which various officials of the department in reports have advised were useless.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the Chair announced the yeas seemed to have it.

On a division (demanded by Mr. MONDELL) there were—yeas 16, yeas 67.

So the amendment was rejected.

The Clerk read as follows:

For continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation, in Wyoming, including the maintenance and operation of completed canals, \$50,000, reimbursable in accordance with the provisions of the act of March 3, 1905.

Mr. MONDELL. Mr. Chairman, I offer an amendment as a new paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert as a new paragraph, at the end of line 15, page 35, the following:

"For continuing the work of road and bridge construction on the Shoshone Reservation, Wyo., \$20,000, reimbursable in accordance with the provisions of the act of March 3, 1905."

Mr. STEPHENS of Texas. Mr. Chairman, I reserve the point of order against the amendment.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may have 15 minutes in which to discuss this amendment.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that he may discuss the amendment for 15 minutes.

Mr. STEPHENS of Texas. Could not the gentleman conclude in 10 minutes?

Mr. MONDELL. Well, I do not believe I can. I do not believe I can properly cover the subject in 15, but I will endeavor to do so.

Mr. STEPHENS of Texas. Will the gentleman also discuss the point of order?

Mr. FOSTER. Settle the point of order first, and then take the time.

Mr. MONDELL. I do not think the amendment is subject to a point of order.

Mr. FOSTER. Let us settle the point of order first.

Mr. MONDELL. The point of order has not been raised, as I understand it.

Mr. STEPHENS of Texas. Mr. Chairman, I make a point of order that it is new legislation.

The CHAIRMAN. The gentleman from Texas makes a point of order that it is new legislation.

Mr. STEPHENS of Texas. That is the point of order I will make. It is not germane to the bill and is new legislation. I will give the gentleman reasonable time.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to have 15 minutes.

The CHAIRMAN. The gentleman will understand that there is a point of order pending. The Chair will hear the gentleman on the point of order.

Mr. MONDELL. The fact that there is a point of order pending does not prevent the Chair from submitting my request.

The CHAIRMAN. The Chair understands that the gentleman from Wyoming [Mr. MONDELL] asks unanimous consent to proceed for 15 minutes to discuss the merits of the amendment.

Mr. STEPHENS of Texas. I object to that, because I think he should also discuss the point of order, so that the Chair will be prepared to rule upon it.

The CHAIRMAN. The point of order has been made.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the gentleman from Wyoming have 15 minutes, and that at the end of that time the Chair shall rule upon the point of order.

Mr. MANN. The gentleman from Texas [Mr. STEPHENS], as I understand, reserved a point of order.

The CHAIRMAN. He made a point of order.

Mr. MANN. He stated it four or five times so that it could be heard here, but not by the Chair, that he reserved the point of order.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that the gentleman from Wyoming may have 15 minutes. Is there objection?

Mr. MILLER. The subject of road building is a very great one, and several of us are interested in it, although we have not felt justified in bringing it before this Congress for discussion, for reasons that must be patent and apparent. This discussion could only be of an academic character.

Mr. MONDELL. I do not know about that, Mr. Chairman.

Mr. MILLER. I hope that the gentleman from Wyoming may have 10 minutes.

Mr. MONDELL. My discussion is not at all academic. It is very practical, and I expect to get the appropriation ultimately.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Wyoming [Mr. MONDELL] is recognized.

Mr. MONDELL. Mr. Chairman, the Shoshone Indian Reservation is in the central-western portion of Wyoming. It is 65 miles in length and from 25 to 30 miles in breadth. The reservation was formerly much larger than at present—the part of the map colored yellow being the present reservation—the reservation formerly being on the lines I indicate by the pointer. Five years ago the Shoshone and Arapahoe Indians ceded a million and three-quarters acres of land, a considerable portion of which has been settled upon. They retain the diminished

reserve 65 miles long and 20 to 30 miles in breadth and containing approximately 500,000 acres. South of the reservation is one of the oldest and best irrigated regions in our State, the Lander Valley. North of the reservation are the lands coming under irrigation on the ceded portion of the reservation. The reservation lies directly across the highways of travel running north and south and northwest and southeast through that portion of the State—the highway from Lander northwest to the upper Wind River and the Yellowstone Park, the highway north into the Big Horse Basin, and the northwest and southeast highway running up and down the Big Wind River. All these cross the reservation—a reservation 65 miles by 30, a reservation owned entirely by the Indians, practically none of which is taxable. There is, maybe, a little personal property owned by a very few lessees on the reservation which is taxable in the county of Fremont. With that exception neither the county nor the State of Wyoming receives a penny of revenue from that 500,000 acres.

The maintenance of the county government, the development of the country, all necessitates travel across this reservation. There is no way to avoid it. There have been bridges built over the streams bordering the reservation at one time and another, and perhaps a year and a half ago the county of Fremont erected two steel bridges, one on the northern border of the reservation, crossing the Big Wind River, and one on the southern border of the reservation, across the Popoagie, a branch of the Little Wind River. Those two bridges, one end of each resting upon the reservation, cost the county, together with the approaches, a large sum of money. The stretch between those two bridges, approximately 25 miles in length, is all on the Indian reservation. The county has no revenue derived from the land along that road. It has no authority to expend any money on that road. For the roads there, from time to time, the superintendent of the reservation has used small sums of money that he has been able to secure from one appropriation and another, in an effort to keep them in something like a passable condition.

The road approaching from the south is a first-class highway. The road leading from the reservation to the north is, or will be, a first-class highway also. But there are 20 to 25 miles between these two bridges, both built by the people of the county, neither of which cost the Government a penny. That stretch of road is practically impassable without considerable expenditure. It is true that the Indian Service has bridged Little Wind River on the road near the center of the reservation, but with that exception they have not been able to do much in road repair or bridging.

Now, in addition to that, there is another road leading from Lander to the Wind River Agency at that point [indicating on the map] marked by the dark yellow spot, and from the agency and school there is a road leading up the Wind River. In addition to the north and south road, as I said a moment ago, the road leading from Lander and the agency and the school, some 22 miles, and then the road leading from the agency northwest to the northwest border of the reserve. That road is approximately 55 miles in length. The part between Lander and the school has been kept in fairly good condition. The new bridge across the North Fork, leading on to the reservation, built by the people of the community and without cost to the Indians, necessitates a reconstruction of a part of the road to the agency. The road is used, as are all these roads, by the Indians as well as the whites. Then there is the road northwest from the agency across Bull Lake Creek and up the Wind River. It is necessary to reconstruct that road for a very considerable distance in order to avoid some very steep hills, which the Indians find very difficult to pull with their loads of poles and logs, and it is also necessary in doing that to build a steel bridge across the Bull Lake Creek at that point. The Indian Office estimates that will cost \$10,000. The Indian Bureau estimates that in order to put these roads on the reservation in as good a condition as the roads in the surrounding territory an expenditure of \$67,000 will be required, and the Indian Bureau and the Interior Department have recommended such appropriation. The committee did not see fit to make that appropriation or any appropriation for this purpose, although I appeared before them and stated the facts fully, as will be seen by reference to the printed hearings.

Now, the question is, What are you going to do about it, and what does the Committee on Indian Affairs expect us to do? We have built the bridges connecting the reservation with the adjacent territory, but we can not certainly be expected to build the roads on the Indian land, on land all of which is owned by the Indians, for there is not an acre of this reservation—no; I will not say there is not an acre, because there are a few tracts out of the hundreds of thousands of acres that

belong to the white men—but it is practically Indian land, and most of it will remain Indian land for a long time to come.

Mr. CARTER. Is any of this land taxable?

Mr. MONDELL. None of the Indian land; not an acre of it will be taxable for many years without a change of legislation, except that the Secretary may use his discretion in the matter of allowing certain Indians to alienate their lands.

Mr. STEPHENS of Texas. Is this the road concerning which the gentleman, in explaining the bill to the committee, stated that it was expected to make it part of a great automobile highway from the Atlantic to the Pacific?

Mr. MONDELL. The gentleman did not so state; but the Secretary of the Interior, in urging the appropriation, after having stated that the Indians used and needed all these roads, further called attention to the fact that the main roads across the reservation would be a part of a great transcontinental automobile highway.

Mr. STEPHENS of Texas. If so, is it not a fact that this would be the first step in the connecting link to make the United States Treasury build a great automobile road from one side of the country to the other?

Mr. MONDELL. The gentleman can settle that to suit himself. I do not appear here in behalf of anybody who wants to use those roads for automobiles; but I say that if the road should be constructed, I know of no reason why American citizens traveling northwest to the Yellowstone Park should not go over the road if they are disposed to do so. I want to say to the gentleman, however, that we are not depending on this road as our only highway to the Yellowstone National Park, because the State of Wyoming has laid out a State highway leading into the national park, and this road across this reservation is no part of it. But the fact that these roads would be available for automobile travel is not an argument against them, but in their favor.

Mr. STEPHENS of Texas. Will the gentleman explain to us how his amendment is germane to a section which provides for constructing an irrigation system within the Shoshone or Wind River Reservation?

Mr. MONDELL. My amendment is offered as a separate paragraph. It has nothing to do with the paragraph which precedes it. It is a separate paragraph, germane to the purposes of this bill, intended to continue a work now in progress, and proposing a continuation of work on roads already laid out and upon which work has been done for many years.

Mr. STEPHENS of Texas. By the Indians and by the citizens living there.

Mr. MONDELL. By the Indians entirely.

Mr. STEPHENS of Texas. And not by the United States Government.

Mr. MONDELL. By the Indians, under Federal appropriations.

Mr. STEPHENS of Texas. Then it would be entirely a new system of Government construction—that is, a new proposition for the Government to go inside of an Indian reservation, however large it might be, and construct roads from one side to another.

Mr. MONDELL. Oh, no; and I will say to the gentleman that I think we ought to be frank about these roads on Indian reservations. They have been built and patched for years out of appropriations dug up here and there. I have been chasing down to the Indian Office ever since I can remember to get the Indian Office to find a few dollars here and there that could be used on these roads and bridges.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I ask unanimous consent that I may have five minutes more.

Mr. STEPHENS of Texas. Mr. Chairman, I dislike to object—

Mr. MONDELL. I hope the gentleman will not object, because I want to explain that very point.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. LONGWORTH. Would the State of Wyoming have a right to build these roads within that reservation?

Mr. MONDELL. That point has been raised, and it is not certain that the road officials of Fremont County would not be subject to action on their bonds if they spent on that Indian reservation the money raised from general taxation in the district. We have gone further than people have generally in the Indian country, in that we have built our own bridges across the streams bordering the reservation. The Indian bill last year carried an item to build a bridge joining an Indian reservation to the adjacent territory in another State. We have



never asked for that. We have built our own bridges at a great cost. We now have several good bridges which our people have built joining the reservation to the adjacent territory. The Government has never spent a cent in building one of these now in use.

They have been using a few dollars here and a few dollars there out of sundry and divers appropriations carried in this bill one time and another to patch these roads. I think it is very much more decent and dignified for Congress to appropriate money for these roads, knowing that it is to be used to build decent roads across the Indian reservation rather than to compel the Indian Office to search hither and yon and through various appropriations to get a few dollars that can be used for the purpose of building roads and bridges that are necessary. I think we ought to approach this thing frankly.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. MONDELL. I have only five minutes, but I will yield as soon as I finish this thought. Do you propose that for all time to come there shall be 500,000 acres in the center of the State of Wyoming, paying nothing whatever to the State, over which we are expected to maintain roads? That is the question. Now, I will yield to the gentleman from South Dakota.

Mr. BURKE of South Dakota. As I understand, the gentleman from Texas [Mr. STEPHENS] has made a point of order against this proposed amendment?

Mr. MONDELL. He has reserved it. I want to argue the point of order after I have finished my remarks on this amendment.

Mr. BURKE of South Dakota. Then, the gentleman proposes to argue the point of order later?

Mr. MONDELL. Certainly.

Mr. BURKE of South Dakota. I thought there was unanimous consent that it be disposed of after the gentleman was through with his remarks.

Mr. MONDELL. No. Mr. Chairman, has my five minutes expired?

The CHAIRMAN. No; the gentleman has one minute more.

Mr. MONDELL. I want to emphasize in that one minute this proposition: Is it the policy of the Indian Committee, is it the policy of Congress, to maintain in the center of a State a great area of 65 miles in length and 30 miles in breadth, as in this case, and refuse to build any roads across that area, which lies right across the main highways of travel? I do not think that when Congress understands that proposition it will stand for it at all. My amendment will make this expenditure reimbursable out of funds that will be received from land sales, and the money will be paid out to the Indians for their labor. Nine-tenths will be spent on the reservation for labor. The Indians need to have the roads built as much as do the people of the surrounding country. It is intolerable that these roads are not put in better condition. I hope the committee will not adhere to the narrow policy which it seems to have pursued in making up this bill. I do not ask what we ought to have, but a comparatively small sum that is absolutely necessary.

Mr. STEPHENS of Texas. Mr. Chairman, I make the point of order against the amendment.

Mr. MONDELL. And I would like to be heard on the point of order.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] asked unanimous consent that the gentleman from Wyoming proceed and that a ruling be made on the point of order after the 15 minutes' presentation of the merits of the amendment.

Mr. MANN. But, Mr. Chairman, no such request was submitted to the committee.

Mr. FOSTER. I remember distinctly of making the request.

Mr. MONDELL. But I did not accede to the request.

Mr. MANN. No such request was submitted to the committee by the Chair.

The CHAIRMAN. The Chair submitted it to the House.

Mr. MANN. I submit that the Chair did not submit the request to the House in the manner the Chair has stated.

Mr. MONDELL. I was giving careful attention to the matter because that was the very thing I did not want.

The CHAIRMAN. The Chair must ask for some information on the point of order before he can rule intelligently.

Mr. FOSTER. Mr. Chairman, my distinct understanding is that if it had not been for the committee acceding to my request I should have objected to the 15 minutes' time.

Mr. MONDELL. But the gentleman did not put it in that way.

Mr. CARTER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CARTER. Is it not a fact that after unanimous consent was granted an extension of time was given to the gentleman from Wyoming of five minutes, and did not that affect the origi-

nal unanimous-consent agreement? As I understand it, the situation is this: The gentleman from Illinois [Mr. FOSTER] did submit a request for unanimous consent to the effect that the gentleman from Wyoming proceed for 15 minutes and at the end of that time the Chair should decide the point of order. Whether the Chair put the last part of the proposition to the House I am not sure; but even if the Chair did put to the committee that part of the request requiring the Chair to rule when the 15 minutes had expired, and even grant that the committee did so order, subsequent to that time the gentleman from Wyoming was granted five minutes more. Now, did not the last agreement vacate the prior order to the effect that the Chair should rule in 15 minutes?

The CHAIRMAN. The Chair recollects that the gentleman from Illinois [Mr. FOSTER] asked unanimous consent that the gentleman from Wyoming might proceed for 15 minutes and at the end of that time the Chair should rule on the point of order. The Chair, without stating the request as made by the gentleman from Illinois, submitted the request and announced that without objection it was so ordered. But the gentleman from Illinois, Mr. MANN, now protests that he did not hear the request as put by the gentleman from Illinois and that the Chair did not so state it, and the gentleman from Illinois is probably right in that. The Chair desires to be perfectly fair, and also states, as he has before, that he must have some information, in one respect at least, on this point of order before he can intelligently rule, and therefore the Chair is disposed to recognize the gentleman from Wyoming, and the gentleman from Wyoming will proceed in order.

Mr. MONDELL. Mr. Chairman, I shall be very brief. This item proposes the continuation of a work already in progress, to wit, the building of certain roads, and the repair of certain roads and bridges and their continuation. These roads were laid out many years ago.

Mr. STEPHENS of Texas. Mr. Chairman, in order to reach a conclusion upon this matter, I shall withdraw the point of order and ask for a vote upon the amendment.

The CHAIRMAN. The gentleman from Texas withdraws the point of order and asks for a vote on the amendment offered by the gentleman from Wyoming.

Mr. MANN. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Wyoming.

The question was taken; and on a division (demanded by Mr. MONDELL) there were—ayes 16, noes 44.

So the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert at the end of line 15, page 35, as a new paragraph, the following:

"For repair and maintenance of roads and bridges on the Shoshone Reservation, Wyo., \$10,000, reimbursable in accordance with the provisions of the act of March 3, 1905."

Mr. STEPHENS of Texas. Mr. Chairman, on that I make the point of order that it is not germane and that it is new legislation.

Mr. MONDELL. But the gentleman yielded the point of order on an amendment identical with this.

Mr. STEPHENS of Texas. I withdrew it in the interest of saving time.

Mr. MONDELL. Then we shall have to argue the point of order. Mr. Chairman, I want to emphasize that this will not cost the Government of the United States a penny. These people have 500,000 acres, 65,000 acres of which are under first-class irrigation systems. It is the finest 500,000-acre tract in that part of our State. They did own 1,700,000 acres of land lying immediately north, which is gradually being sold and the proceeds paid them. The sale of that land will be expedited by a measure, which recently passed the House, allowing homestead proofs to be made in a shorter period of time.

The people are anxious to have these roads built; the Indians will build them themselves. The \$10,000 which this will allow the commissioner to use for this purpose is of Indian funds and will be expended paying the Indians for days' work, and let me say that these Indians need the employment. They are earning a little something from their lands, but in the meantime they need employment and they want to build these roads. They want these bridges put across their canals and across the streams. It is their money. They provide in their treaty that their money may be used for this purpose, and yet the com-

mittee refuses the Indians the right to use a small part of their own money to build their own bridges and roads.

Mr. FERRIS. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. FERRIS. Mr. Chairman, the gentleman from Wyoming offers an amendment and the gentleman from Texas does not reserve the point of order, but makes the point of order. That calls for an immediate ruling of the Chair. The gentleman is proceeding by unanimous consent, and I object to his further proceeding in this manner.

Mr. MANN. But we gave the gentleman from Oklahoma [Mr. FERRIS] a great deal more time on the question of his hospital.

Mr. CANNON. Mr. Chairman, the time in the discussion of a point of order is entirely within the discretion of the Chair. The five-minute rule does not apply to an argument on a point of order.

Mr. MANN. Mr. Chairman, gentlemen will not make any time by objecting to fair consideration.

The CHAIRMAN. The gentleman from Wyoming must discuss the point of order.

Mr. MONDELL. Mr. Chairman, I have not any desire to unnecessarily take up the time of the committee.

The CHAIRMAN. The gentleman from Wyoming will proceed in order.

Mr. MONDELL. Mr. Chairman, I do not think that I have the reputation of needlessly taking up the time of the committee, but this is an important matter. It is not subject to a point of order. These Indians own or did own 1,700,000 acres of land, subject to entry and sale, which is being entered right along. They own 500,000 acres of land in fee, part of which is under an irrigation system that cost a half million of dollars. The ditches thread the entire northern portion of the reservation. It is difficult to get anywhere on account of these newly-constructed unbridged ditches, and there are streams needing bridging.

Mr. CARTER. Will the gentleman yield?

Mr. MONDELL. I shall be very glad to.

Mr. CARTER. Mr. Chairman, there is no desire, I think, on the part of any gentleman to shut off the gentleman from Wyoming, because he is very well posted on these matters, and would like very much to hear him, but the leaders of the House are coming down on the chairman of our committee pretty hard to get this bill out of the way in order that other important matters may be taken up and disposed of. I would be very glad to hear the gentleman, so far as I am concerned, but we would like to have some understanding as to how long the gentleman would like to proceed.

If the gentleman will indicate how much time he desires I think it can be arranged without friction, and we would be very glad to submit a unanimous-consent request that would give him sufficient time.

Mr. MONDELL. I could get through in a very short time if it were not for the interruptions. The interruptions consume a very considerable amount of time, and I presume that if it had not been for them I would have been through before now.

Mr. CARTER. I thank the gentleman for not branding them unimportant interruptions.

The CHAIRMAN. The gentleman from Wyoming will proceed to a discussion of the point of order or the Chair will rule.

Mr. CARTER. Mr. Chairman, I ask unanimous consent that the gentleman may have 10 minutes to discuss the merits of this proposition.

Mr. MONDELL. Mr. Chairman, I do not desire further time to discuss the merits of this question. If in the time that the committee has kindly given me I have not been able to place in the minds of gentlemen an understanding of this situation, then the case is hopeless. If I have not made the case clear there is no possibility of doing so, and I will address myself to the point of order, Mr. Chairman.

The CHAIRMAN. The Chair will say to the gentleman from Wyoming that the Chair cares to be especially informed with respect to the matter whether or not this is a continuation of a work that has already been commenced.

Mr. MONDELL. Mr. Chairman, I will endeavor to inform the Chair on that subject by saying that over 80 years ago, possibly longer—I have forgotten the exact date—Capt. Bonneville established a trading station at Little Popoagie River, and from that trading station roads were built northwest to the headwaters of the Little and Big Wind Rivers, northeast to the Owl Creek Mountains, and west in the direction of Fremont Peak; that the road leading north from Bonneville's old camp on the north fork toward Bull Lake and to the head of the Wind River has been used ever since, as have the other roads mentioned. These Indians have been occupying this reservation since 1868, and they have been doing work on roads on the res-

ervation all that time. They have been doing work on the road leading from the old north fork bridge northeast toward Stagners and across to the Big Wind River for 30 years. There is a road leading northwest from old Fort Washakie to the head of the Wind River, thence on into Jacksons Hole, part of which is one of the few roads in this country that was built under a Federal appropriation for military purposes, and a part of that appropriation was used on this reservation, most of it being used on the head of the Big Wind River and beyond Jacksons Hole country. There is a road from the subagency at Arapahoe to the old fort and the school and agency. All these roads and others have been used for the last 40 years, and more Federal appropriations have been used from time to time—appropriations made in the Indian bills—for the improvement of all these roads. Last year a bridge was built across the Little Wind River out of an appropriation carried in this bill, and all the work which has been done on these roads all these years has been performed under appropriations carried in this bill.

The CHAIRMAN. The Chair would like to inquire of the chairman of the committee, for his guidance, if these statements are corroborated.

Mr. STEPHENS of Texas. What is the Chair's question?

The CHAIRMAN. The question is as to the building of these roads. If it be true that these roads have been constructed by the Government from time to time, and it is only a continuation of a work, there is no occasion for further argument.

Mr. STEPHENS of Texas. There has never been, to my knowledge, any appropriation made for building roads from United States funds on Indian lands. If so, it has escaped my observation, and I am satisfied in the last 15 years there has been no such appropriation.

Mr. MONDELL. The Chair will notice the gentleman does not venture the opinion that these roads have not been built with money carried in Indian appropriations. I have personal knowledge that they have been so built.

Mr. STEPHENS of Texas. Can the gentleman show a single act of Congress anywhere directly appropriating money for building roads on Indian lands?

Mr. MONDELL. I do not imagine I am called upon to find specific appropriations for certain definite roads, but I have in my hand a letter from the Assistant Commissioner of Indian Affairs which shows very clearly that sums carried in appropriations made by the Indian bill last year were used in the construction of roads on this reservation. This is from the letter of December 26, C. F. Hauke, Assistant Commissioner—

Mr. STEPHENS of Texas. Has that road ever been authorized by any act of Congress?

Mr. MONDELL. I do not know of any act of Congress authorizing any road on a reservation nor do I know that such an authorization is necessary.

Mr. STEPHENS of Texas. Then they are diverting funds, when they are working on that road, appropriated for other purposes. They are converting funds to be used for one purpose to another if they are doing it, and they are doing it without the knowledge or sanction of Congress.

Mr. MONDELL. The gentleman has been on the Committee on Indian Affairs for a long time, and he knows perfectly well that there have been roads built on Indian reservations and they have been built with Indian appropriations; the gentleman knows perfectly well they have been built.

Mr. BURKE of South Dakota. The fact that we may have built a bridge somewhere does not make this amendment proper at this time.

I want to ask the gentleman if it is not the fact that from moneys appropriated for subsistence, instead of issuing rations to Indians who are able to work, the policy of the department has been to pay them by the day for their labor by themselves and teams, and that the work that they perform is upon the roads within the reservation, and that is the only money that has been expended for roads on the Shoshone Reservation?

Mr. MONDELL. No; I think that is not true. In fact, I know it is not true on this reservation, because no such issues have been made to these Indians. They are self-supporting. All they want is to spend their own money to build their own roads, and the members of the committee argue they ought not be allowed to do it. The money will be paid to Indians for work building these roads.

Mr. BURKE of South Dakota. What I desire to know of the gentleman is this, whether or not an act providing for the sale of the surplus land of these Indians provides that the profits that go into the Treasury may be appropriated for the improvement of the roads upon that reservation?

Mr. MONDELL. The act contains a general provision with regard to the use of those funds, just as it contains a general provision for the use of funds for irrigation purposes.



Mr. BURKE of South Dakota. I will call the Chair's attention to the fact that an appropriation that was proposed in this bill for an Indian hospital at Fort Sill, Okla., proposed to use the money of the Indians, on the supposition that it was in the Treasury subject to appropriation for that purpose, and the Chair ruled otherwise, and this is exactly on all fours with this proposition. This proposes to pay for roads from the funds of the Indians received from the sale of their surplus land, and there is no law authorizing it.

Mr. MONDELL. That is it.

Mr. FERRIS. Does the Chair care to hear further?

The CHAIRMAN. The Chair is prepared to rule. In the absence of any citations by the gentleman from Wyoming of authority for the construction of those roads, the point of order is sustained, and the Clerk will read.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert at the end of line 15, page 35, as a new paragraph, the following:

"For construction, repair, and maintenance of bridges on the Shoshone Reservation, in Wyoming, \$10,000, reimbursable in accordance with the provisions of the act of March 3, 1905."

Mr. STEPHENS of Texas. I make a point of order on that.

The CHAIRMAN. The Chair is ready to rule.

Mr. MONDELL. If the Chair will hear me—

Mr. STEPHENS of Texas. I make a further point of order that it is dilatory also.

Mr. MANN. I make a point of order that there is no quorum present, if we are to proceed on those tactics. If the gentleman wants to proceed in that way, he will not save any time by it.

Mr. MONDELL. Mr. Chairman, my amendment is not subject to a point of order, as I will prove to the Chair if he will give me the opportunity.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] raises the point of no quorum. The Chair will count. [After counting.] One hundred and six Members are present—a quorum. The Clerk will again report the amendment.

The amendment was again read.

Mr. MONDELL. Now, if the Chair will allow me—

Mr. STEPHENS of Texas. Mr. Chairman, I move that all debate close on this paragraph and all amendments thereto at the end of five minutes.

Mr. MANN. Mr. Chairman, I make the point of order that that motion is not in order, debate not having commenced on the amendment.

The CHAIRMAN. The point of order of the gentleman from Illinois [Mr. MANN] is sustained.

Mr. MANN. I will be fair if you will be fair. You can not get us away from fair discussion.

The CHAIRMAN. The Chair will state that he will relieve the committee from any agitation or responsibility by saying that he will hear the gentleman from Wyoming briefly on the point of order.

Mr. BURKE of South Dakota. The point of order has been withdrawn, Mr. Chairman.

Mr. MONDELL. The amendment is not subject to a point of order, and therefore the point of order is withdrawn. Mr. Chairman, my amendment as it now stands provides an appropriation of \$10,000 for bridges on the diminished Shoshone Reservation, and on this point I would like to have the attention of the gentleman from Texas [Mr. STEPHENS]. When these Indians sold their land they realized their reservation was entirely surrounded by streams requiring bridges—streams of continuous flow. They expected to be called upon to expend a large sum of money for the building of bridges, and in anticipation of that they specifically wrote in the treaty a provision providing that a portion of the funds should be used for building bridges. But we have not called upon them. We have not asked the Indian Office to build those bridges. Fremont County has built bridges across all of the streams bounding the reservation, connecting it with the surrounding country.

The Chair has held my amendment for roads and bridges out of order, but an amendment such as I now offer, for bridges only, is not subject to the point of order, for the treaty provides that a part of the funds of these Indians may be used for the purpose of building bridges.

In order that the road leading northwest from the agency may be improved there must be a new bridge across Bull Lake Creek, as suggested in the letter of the Indian Commissioner.

In addition to that these Indians have built an extensive irrigation system. They have many miles of canals and laterals, few of which are bridged. The road running across the reservation from north to the south crosses some of these ditches.

The Indians own them. They own the land. They have, or will have when their lands are sold, the money. They want to build the bridges, but the Indian Committee says they shall not use their own money, which they themselves have set apart for this purpose in the treaty, for the building of bridges on the reservation.

Now, what does the committee propose? Does it propose that the Indians shall not have the opportunity to build these bridges? Does the committee propose that they shall not have the use of \$10,000 of their own money for this purpose, and shall not have an opportunity to use it?

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Oklahoma?

Mr. MONDELL. Yes; I will yield; because I hope the gentleman's heart will soften to the extent of \$10,000.

Mr. FERRIS. The gentleman says they have \$10,000. They have not a cent of money.

Mr. MONDELL. The gentleman knows that the sale of their nonirrigable grazing lands is coming on this summer, and that they have a larger area of land that has been homesteaded, and the homesteaders are paying for it, and that we passed a bill a few days ago which allows the homesteaders to make proof promptly, which will expedite payments. There is a further large area withdrawn for irrigation, which will eventually be paid for. Some of these moneys will be to their credit in a short time, and we ask they be allowed to use their own money in the bridging of the irrigating ditches and small streams. The treaty provided that the funds could be used for this purpose. Now, the committee may not want to enter upon the policy of expending Federal money to build roads or bridges on Indian reservations generally, but surely the committee will not go back on the treaty.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I move that all debate now close on this paragraph and the pending amendments thereto.

The CHAIRMAN. The gentleman from Texas moves that all debate be now closed on this paragraph and amendments thereto. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. MONDELL. A division, Mr. Chairman.

The committee divided; and there were—ayes 34, yeas 51.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For support of Shoshones in Wyoming: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (art. 10, treaty of July 3, 1868), \$5,000; for pay of second blacksmith, and such iron and steel and other materials as may be required, as per article 8, same treaty, \$1,000; in all, \$6,000.

Mr. McGUIRE of Oklahoma. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD of yesterday by inserting a letter or statement received from the firm of Kappler & Merillat, Osage attorneys, in reply to an anonymous statement filed in the RECORD and made a part of the RECORD on Saturday by the gentleman from New York [Mr. AKIN].

The CHAIRMAN. The gentleman from Oklahoma [Mr. McGUIRE] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Following is the letter referred to:

WASHINGTON, D. C., April 5, 1912.

HON. THERON AKIN,  
House of Representatives.

DEAR SIR: In the CONGRESSIONAL RECORD of April 3 we find you caused to be inserted an anonymous letter intended to reflect upon ourselves as attorneys for the Osage Tribe of Indians and upon the Secretaries of the Interior who have approved our contracts as tribal attorneys.

The letter, like most muckraking articles, has some small measure of truth, but as a whole is false, and in its essence is untrue, misleading, and vindictive.

The letter accuses the Secretary of the Interior of having imprudently and apparently improperly approved contracts with the firm of Kappler & Merillat, and further alleges that we had not the experience and competency to warrant our employment.

The letter alleges that prior to the approval of these contracts, which contracts were approved May 6, 1908, Mr. Merillat had never had any experience in the practice of the law, and that Charles J. Kappler, until March 4, 1906, had never attempted to practice law.

The fact of the matter is that Mr. Merillat was admitted to practice in the Supreme Court of the United States June 2, 1902, and that for more than three years prior to admission, as required by the rules of the Supreme Court of the United States, he had been a member of the bar of the highest court of the District of Columbia. Furthermore, he had not only been a member of the bar of the Supreme Court of the District of Columbia for more than three years prior, but had been in

very active practice during more than the three years preceding, and continued in an exceedingly active practice of the law until the date of approval of our contracts with the Osage Tribe of Indians, and since then. His status at the bar can very readily be ascertained by you by application to Mr. Edward H. Thomas, president of the Bar Association of the District of Columbia, and corporation counsel of the District. His practice had included the active personal prosecution or defense of cases of fraudulent conveyance, will contests, and probate matters, real estate actions, personal injury and damage suits, actions of various forms upon contract, examination of titles, preparation of deeds and wills, trial of land contests and Indian cases, actions of mandamus, prohibition, injunction, and receivership, and the conduct of various other legal matters, both in court and out of court, and in not only the nisi prius courts of the District of Columbia, but the Court of Appeals of the District of Columbia and the Supreme Court of the United States. He had had the honor as the trial member of the firm to win the only cases of mandamus and prohibition against the Secretary of the Interior that had been successful in more than a dozen years of attempts by various attorneys to restrain within legal limits the power and exercise of authority of the Secretary of the Interior, which officer, as stated, approved our contracts with the Osage Tribe of Indians.

A large part of Mr. Merrill's practice prior to our partnership, and of the firm practice since, has been the conduct of causes placed in our hands by other attorneys practicing both in Washington and elsewhere, which fact every lawyer will recognize, we believe, evidences that justly or unjustly we are accredited with a measure of legal ability.

Mr. Kappler studied law under the late Senator Stewart, of Nevada, and after graduation from the Georgetown Law School in 1896 was admitted to the bar of the Supreme Court of the District of Columbia and also the Court of Appeals, and in 1901 was admitted to practice before the Supreme Court of the United States. He is also a member of the American Bar Association. He acted as clerk to the Senate Committee on Indian Affairs for nearly five years, and compiled and edited by direction of Congress the well-known work entitled "Laws and Treaties Relating to Indian Affairs," in two volumes.

Mr. Kappler is not the trial member of the firm, as that falls to Mr. Merrill, but prior to our partnership he had a considerable office practice and had taken a large part in important legal causes, including what is known as the Plous Fund Arbitration case, in which The Hague tribunal awarded the Archbishop of California more than \$700,000 in American money against the Government of Mexico. He also had a large experience in departmental and congressional matters, a field of experience very necessary to any Indian attorney. We might add that our firm has made a specialty of Indian cases.

Our first contract with the Osage Indians was made April 15, 1908, under authority of the Secretary of the Interior. Congress had authorized a suit to be brought against the Osage Tribe on what was known as the Vann and Adair claim for \$180,000, being a balance claimed to be due by the tribe on account of attorneys' fees. The tribe being given the right of counsel in the Court of Claims, employed us as attorneys on a retainer of \$1,000 and a contingent fee of \$4,000 more in the event we defeated the claim. The tribe at this time believed that while they properly should not have to pay the claim, the case was a desperate one, and they probably would be compelled to pay it, as the amount had once been appropriated by the Senate in the Indian appropriation bill. The attorneys for the claimants had a contract for 50 per cent of the recovery. We defeated the entire claim after a strenuous fight.

While we were acting as attorneys in this one special matter, but at a time when the defeat of the Vann and Adair claim was known by the Osages to be in sight, an attempt was made to place upon the Osage rolls some 37 white persons, whose enrollment as Osage Indians had been thrice examined by the Secretary of the Interior and thrice rejected by himself and his subordinates after full testimony taken and hearings had. A favorable report, nevertheless, over the opposition of the department, was ordered by the Senate Committee on Indian Affairs with reference to these 37 persons. As an Osage enrollment right is worth from \$20,000 to \$25,000, it will be seen that the enrollment of these persons would have meant from \$700,000 to \$1,000,000 loss to the tribe.

The tribe desired attorneys, not only as to this matter, but as to other matters wherein they needed legal advice and aid, because their wealth had naturally occasioned various attempts of various persons to obtain by one means or another a share of the same. The attorneys for the claimants to citizenship had 50 per cent contracts, so that the incentive to them is apparent.

At the request of certain of the Osages, who knew of our vigorous and aggressive defense in the Vann and Adair case, we had applied to the Secretary of the Interior for authority to negotiate a contract with them as tribal attorneys. The Secretary, however, although our application had been on file for six months, did not grant the authority to us, but did grant authority to another person to enter into a contract with the Osage Tribe through its national council. When this authority of the Secretary of the Interior was presented to the council, the council unanimously refused to employ the gentleman named. This circumstance is cited to show what is the fact, that we had no special influence or favor with the then Secretary of the Interior, Mr. James R. Garfield.

Upon rejection of the gentleman named by the Secretary we renewed our application, but no action was taken thereon until the Senate Committee on Indian Affairs overruled a report made by the Secretary of the Interior, and recommended the enrollment of the 37 applicants for citizenship heretofore referred to.

Thereupon the Secretary of the Interior, at the request of the Osage Council, authorized us, in view of the exigencies of the situation and the absolute need that the Osage Tribe should have an attorney to represent their case to the committees of Congress, to enter into a tribal contract with the Osage Indians. That contract was entered into and approved by the Secretary; we obtained hearings from the congressional committees, and our presentation of the facts with reference to these 37 white applicants for citizenship was such that the enrollment bill was defeated in that Congress and in the subsequent Congress.

Our compensation was fixed at \$5,000 per year, with the understanding that one-third of that sum would be paid, as it has always been paid, to an attorney at Pawhuska, Okla., the meeting place of the Osage Council, to advise the council as to all matters that might arise there in our absence while we attended to matters in Congress or in the courts, making such trips as might be necessary personally to Oklahoma.

It was expressly understood and agreed between the Osage Tribe and ourselves that these services should not include what was known as the civilization-fund claim, amounting to more than \$700,000. It must be obvious that no competent attorney would undertake to render the services which we have rendered to the Osage Tribe, including as it has not only the matter of the 37 white persons referred to, but their representation in various other matters before the executive departments and the Congress of the United States, the defense of suits in the courts involving the question of the taxation of their lands, their ownership of lands along the Arkansas River, the right of the tribe to

the mineral royalties which was questioned by individual allottees, the leasing of hundreds of thousands of acres of their lands, and general legal advice for the amount received by us, and without further compensation also to prosecute a claim for \$700,000. The Osage National Council, a number of whose members are familiar with business matters, recognized as wholly reasonable the allowance of a contingent fee of 10 per cent. The two contracts were presented simultaneously to Secretary Garfield, and, upon the theory that the civilization-fund contract could not be treated as wholly contingent, inasmuch as we had an annual retainer, Secretary Garfield reduced our contingent fee in the civilization-fund matter from 10 to 6 per cent. It, so far as we know, has the record as the lowest fee in a large contingent case ever fixed by the Department of the Interior.

With respect to so much of the letter as alleges that while acting as tribal attorneys we have also been attorneys for individual members of the tribe, we desire to state that the letter in large measure is false, and in all respects essentially misleading. Our contract called for us to represent the tribe in tribal matters, and it did not require us to perform individual services of various kinds for individual members of the tribe. We, therefore, did in some instances represent individuals at their request, because they evidently preferred us, whom they knew, to other attorneys and, as we were entitled to, received compensation therefor, but upon complaint from other attorneys that inasmuch as we were tribal attorneys we might have some advantage in prosecuting individual cases, we decided more than a year ago to refrain from taking individual fees.

The entire matters referred to in the letter were investigated by the House Committee on Indian Affairs, which was charged with investigation of what were known as the McMurray contracts, and given incidental jurisdiction to look into Osage law matters, as well as all matters of attorneyship contracts in the Five Civilized Tribes.

This committee, after a full investigation of everything referred to in the letter, thus reported to the House of Representatives:

"The tribes mentioned in the contracts referred to have large and valuable properties, and there are many questions constantly arising relative to their affairs which require the services of attorneys, and in the opinion of the committee, notwithstanding the obligation of the Government to administer their affairs and finally dispose of and distribute their estates, they should be permitted to have the aid of counsel of their own selection. The contracts specifically mentioned are all with reputable attorneys and at a reasonable compensation." (H. Rept. No. 2273, 61st Cong., 3d sess.)

This report was signed by Representatives BURKE, CAMPBELL, MILLER, and SAUNDERS, all Members of the present House of Representatives and all Members of Congress against whose integrity there never has been the slightest suspicion or breath of scandal, and not one of whom had any interest whatsoever in ourselves, except such regard and respect, we hope, as may have come through our appearance before the committee of which they were members.

The allegation that we would wire to speculators or others desiring to purchase Indian lands the fact of issuance of certificates of competency is untrue. The only telegrams we sent were to local attorneys representing the Indians, when requests that we should so wire were received from the Indians. The best evidence we did not aid any speculators or others in obtaining lands from the Indians by advance information sent by telegraph is shown by the fact that we recommended in a letter on file among the records of the Interior Department that all certificates of competency granted to Indians should be conditioned that the same should not become effective until 30 days subsequent to grant of the certificate of competency authorizing the Indian to sell his land by the Secretary of the Interior, and that during this interim of 30 days the fact that such certificates of competency had been granted to become effective in the future should be publicly posted at the agency office at Pawhuska. This course was adopted by the department and has long been in force.

Our successful defense of the Osage Tribe of Indians against assaults made upon their property interests, including matters hereinbefore referred to, naturally and logically raised up for us a number of enemies, and these enemies have sought by all manner of false statements to defeat our further reemployment by the Osage Tribe of Indians, with the evident belief that their path, which we had blocked, would be smoother if we were not Osage attorneys.

This animosity, for the reasons stated, against ourselves has been intensified recently by reason of the stand we were compelled to take with reference to the leasing for oil and gas purposes of the unleased portion of the Osage Reservation.

At present, under what is known as the Foster blanket lease, more than 600,000 acres of the Osage Reservation is leased for oil and gas purposes, and the tribe receives annual royalties on oil and gas amounting to more than \$250,000. This aggregate amount is received annually on the basis of a royalty of 12½ per cent. The lease will expire early in 1916. The tribe has the mineral rights only until 1931, individual Osages being allotted the surface and the mineral rights being held in common, although about 8 per cent of the tribe has endeavored to secure these royalties for themselves under a claim that as owner of the surface they should have the royalties, since they owned lands on which there were oil wells, to the exclusion of the tribe as a whole. We, in court and in Congress, have successfully defeated these individualizationists, as they may be called, and have succeeded in retaining for the whole tribe this annual sum of \$250,000, and have prevented disbursement of the same to only 8 per cent of the tribe.

Recently there has come up the question of leasing the unleased portion of the Osage Reservation for oil and gas purposes, amounting to about 800,000 acres. The effort was made to obtain the leases at 12½ per cent. This would have naturally fixed the rate of royalty in any renewal or renewals of the Foster blanket lease. We insisted that the minimum rate of royalty should be 16½, which would mean an annual difference in favor of the tribe of \$90,000 on the Foster lease and 33½ per cent more on the unleased portion. Furthermore, we insisted that any leases hereafter made should not go to speculators, but that drilling upon every 5,000 acres should be an absolute condition of each lease granted on the unleased portion, with liquidated damages and forfeiture of the lease in the event of nondrilling. The obvious purpose of this was to assure development and prevent speculation in Osage oil and gas leases. We further insisted upon full protection for the individual holders of the surface and that the privilege of obtaining an Osage oil and gas lease is a valuable one, for which 15 cents per acre should be paid by all lessees the first year, 30 cents the second, 50 cents the third, and \$1 per acre thereafter; subject, of course, to the condition that when the royalties exceed the rentals a lessee should be relieved from paying rental. It will readily be seen that this means a difference of \$120,000 the first year, \$240,000 the second, and increasing amounts thereafter to the Osage Tribe over and above what was proposed.

We further contended that the Osage lands were known to be the richest oil lands in Oklahoma, and that any leases made should be only



after full public advertisement and after reception of sealed bids, based upon the minimum terms hereinbefore referred to, on the ground that only in this way could scandal be avoided and the trust duty or relationship of the Government of the United States to the Osage Tribe of Indians be fulfilled. We have adhered in endeavoring to obtain the best terms possible for our clients, although threatened that if we persisted an attack would be made upon us and our contract, which expires April 8, 1912, would fall of renewal.

The Osage bill before the House was the result of several conferences with the Osage Council, the Interior Department, Congressman McGuire, and Senator Owen, and also after a conference of all the opposing elements in Osage County. On some points in the measure we yielded our personal views in order to obtain unanimous support within the tribe and to avoid an opposition that might have prevented passage of the bill, which bill meets the approval of the entire tribe and marks a large advance step in its affairs. The several reports on the bill in the Sixty-first and Sixty-second Congresses by the Secretary of the Interior, printed in the reports of the House and Senate Committees on Indian Affairs, and the amendments suggested by the department and the committees of Congress, show that the interests of the Indians have been thoroughly safeguarded.

It will be readily seen from the foregoing that we necessarily must have made enemies in the performance of our duty, and, although on the floor of the House you declined to state the name of the author of the letter you inserted in the Record, we have no hesitation in saying to you that the inspiration and also the authorship is reasonably apparent from the context of the letter, and can be traced to persons having personal animus against ourselves because our sense of duty has disagreed with their selfish interests.

Inasmuch as you have caused the anonymous letter reflecting on the Secretary of the Interior and our firm to be inserted in the CONGRESSIONAL RECORD, thus giving it wide publicity, we trust you will do us the justice to insert in the CONGRESSIONAL RECORD, as speedily as possible, this signed letter.

Yours, respectfully,

KAPPLER & MERILLAT.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent to return to page 27, lines 7 to 12, inclusive, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to return to page 27, lines 7 to 12, inclusive, for the purpose of offering an amendment. Is there objection?

Mr. MANN. Reserving the right to object, I would like to know what it is.

Mr. STEPHENS of Texas. The amendment comprises the lines stricken out, from 7 to 13, on page 27. The original language was this:

The Secretary of the Interior is hereby authorized to pay, out of the funds of the Chickasaw Indians now on deposit in the Treasury of the United States, to Douglas H. Johnston, governor of said nation, the sum of \$3,000 per annum from March 1, 1910, to March 1, 1912.

I will state that this governor has received no pay for the last two years, and that a point of order was made against it the other day, and the item went out of the bill. I hope the gentleman will now withdraw the point of order. It will save the introduction of a new bill.

Mr. MANN. Reserving the right to object, I would like to make a little statement. When this item was read the other day it went out on a point of order raised jointly by my colleague Mr. Foster and myself. Since that time I have examined the matter, and find that in 1908 the appropriation bill carried an item for a salary of \$1,500 to Gov. Johnston, and authorized the payment of that salary thereafter. In the appropriation bill of 1910, for the fiscal year 1911, there was carried an item to pay Gov. Johnston \$3,000 a year from some time in 1906 until March 1, 1910. That was in the appropriation act for the fiscal year 1911, and apparently that act contemplated that Gov. Johnston would not be paid \$3,000 a year after March 1, 1910. I am informed, however, by gentlemen upon the committee that Gov. Johnston has performed the duties as governor and he has received no compensation.

I shall not object and shall not renew the point of order, but if no better excuse is offered when this item comes before the House on a subsequent occasion, if I am here as a Member of the House, I shall then insist upon the point of order unless better reasons are given than have been given yet for his performing the services.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Hardwick having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4948. An act to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes."

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5137) for the relief of Alice V. Houghton.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. J. Res. 96) appropriating \$10,000 for the purpose of maintaining and protecting against impending floods the levee at Mound City, Ill.

#### INDIAN APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Amend, on page 27, after line 6, by inserting the following:

"The Secretary of the Interior is hereby authorized to pay, out of the funds of the Chickasaw Indians now on deposit in the Treasury of the United States, to Douglas H. Johnston, governor of said nation, the sum of \$3,000 per annum from March 1, 1910, to March 1, 1912."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. STEPHENS].

The question being taken, the amendment was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BARNHART, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, and had directed him to report the same back to the House with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

No separate vote was demanded on any amendment.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the last vote was laid on the table.

#### POST OFFICE APPROPRIATION BILL.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes; and pending that motion I ask unanimous consent that the time for general debate be not limited at present, and that the gentleman from Massachusetts [Mr. WEEKS] and myself control the time.

The SPEAKER. Pending the gentleman's motion to go into the Committee of the Whole House on the state of the Union, the gentleman from Tennessee [Mr. Moon] asks unanimous consent that the gentleman from Massachusetts [Mr. WEEKS] and himself control the time in the general debate until further ordered. Is there objection?

Mr. MANN. I suppose the time will be equally divided.

Mr. MOON of Tennessee. The time is always equally divided between the two sides.

The SPEAKER. Is there objection?

There was no objection.

The motion of Mr. Moon of Tennessee was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, with Mr. HAY in the chair.

Mr. HAY took the chair amid general applause.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of a bill which will be reported by the Clerk.

The Clerk began the reading of the bill.

Mr. MOON of Tennessee. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. MOON of Tennessee. Mr. Chairman, by permission of the House I shall discuss the main features of this measure, leaving the consideration of its features in detail to the discussion of its paragraphs under the five-minute rule, and then with a brief review of other matters of local and general interest conclude. The bill carries, in accordance with estimates for the service, appropriations for all of the subdivisions of the

Post Office Department in detail. The estimates were \$261,180,063. The committee recommends appropriations in the aggregate \$259,827,949, or a decrease over the departmental estimates of \$1,352,314, after a careful review of the estimates, the annual growth of the service, and comparison with previous estimates and the extent of unexpended balances. It is of course impossible for exact estimates to be given, owing to the character and uncertainty of some of the service to be performed and the changing conditions and necessities of the service. From the report of the auditor the committee finds an apparent deficiency of \$627,845.94 in the department for the fiscal year 1911, as shown in the report.

Since the report was made, however, the auditor advises me that when I called for a statement from the department that he did not give unaudited receipts after June 30, 1911, to be credited to that year, and that statements of receipts and expenditures on various accounts are coming in for audit for that year, and that it is impossible now to tell whether there will be a surplus or a deficit for the fiscal year ending June 30, because the full receipts and expenditures are not yet ascertainable. It will therefore be seen that there is no way of telling yet whether there will be a surplus or a deficiency, but it is more than probable that the amount either way will not be very great. This department is therefore self-sustaining, or nearly so.

The appropriation made by the Congress for the service in 1897 was \$92,571,564.22. The deficiency in revenue for that year was \$11,411,277.65. The last appropriation bill carried \$258,352,713.

The enormous growth in appropriations and expenditures in this department is due to our increase in population, to the extension of the service, and the additional use of the mails by the people produced, in the main, by the enlargement of commercial and industrial pursuits of all kinds. This is the largest bill ever presented to Congress for the service of any department in the history of the country, and, perhaps, the largest presented in any legislative body in any country in the world, and yet, in our opinion, it contains no more than is necessary for the proper administration of postal affairs, and it will not likely cause a single dollar—to carry out its provisions—to be drawn from the General Treasury. Under it a surplus will no doubt arise.

The Post Office Department is an immense business institution. It not only in its operation reaches every portion of every city, town, village, and hamlet in the United States, but it extends into the most remote rural localities, and in its foreign service stretches its arms beyond the seas. By a proper and economical administration of its affairs under wise laws the service may yet be greatly extended to the benefit of the people and without a loss but with a great gain of revenue. It can be made to produce unquestionably not only the revenue necessary to support itself, but, in part, to support other departments of the Government.

By improper management and inconsiderate and unwise legislation in the extension of the service it may cause an annual loss of many millions of dollars to the people of the United States.

The increase in the number of clerks and employees provided for in this bill is in accordance with the recommendations of the department and seems to be necessary for the maintenance and extension of the service. The recommendation for appropriations for the postal savings-bank system seems necessary if this policy is to be pursued. I have, personally, always opposed this innovation as unwise, useless, and expensive. There seems to me to be no justification for the borrowing by the Government of the people's money at 2 per cent in order to loan it to the banks at 2½ per cent under guarantee of safety. It is proposed to establish 40,000 depositories under this bill, with a central depository in Washington. There are now established about 7,000 of these depositories. The central office in Washington has 113 men and is conducted now at the expense of more than \$125,000 a year. There seems to be engaged outside of the city of Washington in the various post offices about 1,242 men who give an average of 44 minutes a day of their time to this work. The purpose of the department is to increase the offices to 40,000, with an addition of 8 men to every thousand offices established, in the central office at Washington, making ultimately about 375 men in this office. The vast army of men that will be employed in this work outside of Washington can be estimated only from the fact that 33,000 more offices are to be established. It is estimated that for the next fiscal year it will take \$280,000 to maintain the office in Washington, and the remainder of the \$600,000 is asked for outside of the city of Washington. There has been disbursed on account of this service \$408,446.35. The interest due to the Government by banks to date—that is, interest receivable—is estimated to be

\$55,170 by the department, and the interest payable by the Government is \$20,190. The letter of the Postmaster General, made an appendix to the report, gives a detailed statement of the operation of the bank. This institution, to me, seems to exist largely to create offices and officeholders. I expressed my view in opposition to it when the bill was passed in the House. I have had no occasion to change those views. Yet Congress in its wisdom established the postal savings-bank depositories, and its friends claim that it will be an ultimate success, and the committee therefore, by a substantial majority, recommends the appropriations asked for for the further establishment, maintenance, and enlargement of the system, mainly because the law is new and the system has not been fully tested. It is to be hoped that the immense loss up to date in its operation may not continue.

There is some new legislation on this bill that deserves serious consideration. This legislation, under the general rules of the House, is not in order under the bill, but its importance is such that the committee desires a special rule to make it in order in the public interest. Indeed, but for the general rule of the House this legislation would be more properly placed upon this bill than elsewhere. I shall not now enter into a full discussion of this legislation. The text of the bill shows what it is. The report which I have made I will ask to be made a part of my remarks as an appendix, and that the Clerk read now that part of it pertaining to new legislation.

The Clerk read as follows:

#### NEW LEGISLATION.

In section 1 under subdivision Railway Postal Car Service, office of Second Assistant Postmaster General, is this proviso:

"Provided further, That after the 1st of July, 1917, the Postmaster General shall not approve or allow to be used or pay for any full railway post-office car not constructed of steel, steel underframe, or equally indestructible material, and not less than 20 per cent of the new equipment shall be put into operation annually after July, 1912; and after the passage of this act no contract shall be entered into for the construction of steel underframe cars."

This provision was inserted in the bill to provide for ultimate protection for a class of employees (railway mail clerks) whose lives are in constant danger in the discharge of their duties, from the defective postal-car construction. The date for changes in cars as therein provided was fixed at July, 1917, to avoid injustice being done under the present contracts for the use of mail cars, and to afford the department time for changing cars to class demanded.

Section 2, to provide fraud by mail contractors.

Section 3, to authorize an increase in naval mail clerks' bonds, now limited to \$1,000.

Section 4, to protect against fraud in weighing mails and to readjust compensation therefor.

Section 5, fixing for letter carriers in the City Delivery Service and clerks in first and second class post offices an eight-hour day and for extra pay or compensatory time for work by clerks and carriers in such offices.

Section 6, to protect employees against oppression and in the right of free speech and the right to consult their Representatives.

Section 7, to provide for a reclassification of railway postal clerks.

Section 9, granting a slight increase of rural letter carriers' pay.

Section 10, for experimental mail service in villages having post offices of the second and third class.

Section 11, amending the law so as to include the Marine Corps among those who may be designated as naval mail clerks and assistants, and the provision in section 1 providing for the promotion of postal clerks and letter carriers and the ultimate increase of pay to railway postal clerks, are all self-explanatory and manifestly so just as to require no special discussion in this report.

#### PARCEL POST.

Section 8 of this bill contains provisions in reference to mail matter of the fourth class. Under existing law we have a general parcel post fixing the postal rate at 1 cent an ounce with a limit of 4 pounds for mail matter of the fourth class (merchandise). This is an ounce and not a pound rate.

By the terms of the International Postal Convention the people of 23 foreign countries may now transmit fourth-class matter (merchandise) through our mails at the rate of 12 cents a pound with a limit of 11 pounds. This is not an ounce rate, but a pound rate. This bill provides for a similar pound rate and limit for the use of our people in our mails that is given by us to foreign countries. The section does not provide for the rate on a fraction of a pound, but for a flat pound rate to a limit of 11 pounds at 12 cents a pound, and each fraction of a pound over 1 pound carried under this section would cost 12 cents. The ounce rate law now in force is not repealed by this section and there is no inconsistency or conflict in the two acts that would operate as a repeal of the ounce postal section by implication. So that one desiring to send a package of less weight than a pound through the mails can do so at the rate of 1 cent an ounce. Thus far the parcel-post question seems sufficiently clear to assure us against a loss of revenue and detriment to any business conditions in its application.

One of the most difficult questions connected with proposed postal progress arises with the suggestion to create a general unlimited parcel post for the transportation of merchandise at a flat rate of 8 cents a pound or less, with a limit of 11 pounds or a greater number of pounds.

The advocates of this proposition insist that the rate on fourth-class matter (merchandise) was at one time 8 cents a pound with no loss of revenue, but an increase of revenue; that the zone system of transportation charges used by the express companies is unnecessary and cumbersome; that express companies pay wheelage to railroad companies and divide profits and still make annually colossal profits at the expense of the people; that it is the right of the people to use the mails for their own benefit and the right of the consumer to buy wherever he can secure the best bargain, whether it be at home or in another State or city, and that the complaint of this view is from selfish sources; that a largely increased revenue will come to the Government from the system and advantages and blessings to the whole people in its operation.



The opponents of a general unlimited parcel post insist that it will tend to concentrate business in the large cities and be injurious to rural communities and small towns and cities; that it is a step in the wrong direction—paternalistic and dangerous in its tendencies; that it would create an enormous deficit in the Post Office Department; that it would revolutionize the commercial system in the United States; that it would seriously delay the delivery of legitimate mail; that it would deplete or destroy the prosperity of innumerable country towns and villages, and therefore must be regarded as a menace to the welfare of all the people; that it is class legislation in that it discriminates against the country merchant and favors the great retail mail-order houses; that it is in effect a subsidy to the retail mail-order houses—wrong in principle and unfair in practice; and they further insist that a rural parcel post would be an entering wedge for a general parcel post.

The most of people living in the country and engaged in agriculture and other pursuits, so far as we can secure information, and the larger mercantile establishments in the great cities favor an unlimited parcel-post law. The country merchant and nearly all merchants of the smaller cities and towns oppose the law. This seems to be the alignment. Self-interest, the mainspring of most of our actions, seems to be commanding in both factions. We do not think that the advantages claimed for the establishment of this post will be so great as its ultra-friends claim, nor that the disadvantages would be nearly so great as its enemies fear.

The necessity for conservative legislation in view of such a contention and division among the people is apparent. We should seek to secure all the advantages possible and avoid all the disadvantages that may arise from any proposed legislation in the interests of the masses of the whole people. Laws should bear, as nearly as possible, equally and justly on all classes under all conditions. We have heard much testimony, very interesting in its details, but for the most part from those who express an opinion from a general view of general conditions. We need specific facts and not merely opinions on which to pass intelligent and satisfactory legislation. It would seem essential that we know how this innovation in our postal system will affect our revenue; what additional burdens we must assume in increased numbers of employees and the increased railway and carriage pay; whether a flat rate can be established for the whole of the United States or not, and at what figure; whether it would be wise to adopt the zone system of transportation and pay for carriage or not; how far this extra service would interfere with the handling of first, second, and third class mail matter; the probable losses and profits under different rates; the effect on the centralization of trade; whether the express companies could under one system or another secure the short hauls and leave the long and expensive hauls to the Government; whether it would first be best to condemn the express companies' contracts with the railroads or not, and use them, or to force the railroad companies to equal rates for the Post Office Department that is granted the express companies, or to pursue either of these courses; to know the tendency of the system to create and sustain monopolies and its effect on the commercial and farming interests of the country. On these matters there should be some definite information (in the interest of the general public) for use in the enactment of a wise law on the subject, before any law general and unlimited in its character at a low rate of postage and increased number in pounds should be established. This information can best be obtained and applied for good results only after a full consideration by a commission of persons especially equipped and experienced in such investigations and clothed with full power to ascertain the facts. Therefore the embodiment in this bill of a section creating a commission and directing the examination and report, that the true facts and conditions may be known in advance of legislation.

The same conditions do not exist, and therefore the same reasoning does not apply to the strictly rural parcel post confined to matter of the fourth class arising and for delivery on each specific rural free delivery route. These routes are already established. All of their machinery is in full operation. The additional burdens on the carrier are slight, and a slight additional compensation is provided for in this bill. The estimate of the department is that a change in equipment will be necessary as to only about 15 per cent of the routes. We have therefore provided for a limited rural route parcel post with postage rates at 5 cents per pound for the first pound and 2 cents per pound over 1 pound and for fractions of pounds to 11 pounds limit as an experimental proposition. This experiment will last for two years on all of the routes in the United States. If it shall prove to be unwise, it can be repealed or expire by limitation. We think that it will be a combined advantage to the farmer and to the country merchant and of no possible injury to anyone. The estimated increase in revenue from this source is from seven to ten millions of dollars in its limited character. We feel that it is the duty of Congress, in response to the almost universal demand from the people residing in the rural and agricultural districts of the United States, to inaugurate this system of limited rural parcel post, experimentally at least. We do not believe that it would be wise to establish a general or unlimited parcel post on the lines suggested until there has been information of such definite and certain character as to justify us in taking a position so important and necessarily affecting the revenues to the extent that it will.

Mr. MOON of Tennessee. In explanation of the first section of this parcel-post provision that establishes the pound rate of 12 cents, it is assumed that it will not induce much mail matter of the fourth class. If one desires to send a single pound for delivery over a railroad line and a rural route, the rate would be 12 cents to the office or delivery place and 5 cents on the rural delivery route, or 17 cents, under this act. Under the present law it could be carried direct for 16 cents.

If the package weighed a pound and eight ounces it could be carried for 24 cents under the present law. It would cost the same under the proposed law, as all fractions of a pound pay pound rates. There is little or no advantage to the sender of packages up to 4 pounds under this section over the old act. If you desired to send three pounds and an ounce, the charge would be 48 cents, and 3 pounds and 1 ounce under the existing law would cost 49 cents. Mailable matter would not often exceed the limit of 4 pounds in weight unless very compact, as the requirements of the rules and regulations as to the size and shape of packages mailable would usually prevent this. Then, too, the large packages could go cheaper by freight, if not by express, than by mail. It was not intended to make any radical

change in the present parcel-post law by this provision, but only to equalize as far as possible the pound rates between the citizen and the foreigner.

Mr. KENDALL. Mr. Chairman, will the gentleman yield?

Mr. MOON of Tennessee. Certainly.

Mr. KENDALL. I would inquire how many steel cars are now under construction, if the gentleman is aware of that fact?

Mr. MOON of Tennessee. I can not tell the gentleman without looking through the report. When we get to that item I will take pleasure in explaining it.

Mr. KENDALL. And also how long a time will be required before the expiration of the contract?

Mr. MOON of Tennessee. Nineteen hundred and seventeen, I think. Most of the cars now under construction are partly steel, underframe, but after the year 1917 it is hoped that the House will order that they be built all of steel.

Mr. Chairman, there are a great many of the people of the United States who do not have city delivery or rural delivery of mail. They are people who live at second and third class post offices, who are entitled to the benefit of these mail facilities. This bill makes a suggestion to the House that the Postmaster General shall, with the small amount of money appropriated in the bill for that purpose, experiment and determine how these people may be best served and what the cost of the service will be, and whether it be wise to inaugurate it.

In the administration of the affairs of the Government it has been deemed, as a matter of discipline on the part of the department, that the employees of the Government of the United States, whatever be their complaint either as to the service they are engaged in, the manner in which they are treated, or anything else affecting the public service, shall not have the right to consult their Senators and Representatives in Congress for redress of the wrongs and grievances of which they complain. It is possible that if this great department were under a military service, such discipline might be wise; but this committee is of opinion that it does not in any manner facilitate or benefit the service, nor does it in any way bring the employees of the Government closer to those who are immediately above them, to deny them this right. On the contrary, it creates a hostility between the chiefs in the office and the men who are in the ranks of the service. This committee has provided in a section of the bill a remedy for this situation, granting to the employee of the Government the right to be heard upon any grievance that he has, the right to be heard before he shall be dismissed from the service, and the right, most sacred of all his rights, to appeal to his Senators and Representatives for protection, without the possibility of discharge because of so doing.

There are other minor features of new law which will readily appeal to you upon the reading, but which it is unnecessary for me now to discuss. There is, however, one proposition in this bill that I know all Members view with more trepidation than anything that has reached you for quite awhile, one proposition about which I think Congressmen have been more unhappy than anything I have seen in the last 10 or 12 years, and I know right now that if every one of you were to vote your sentiments without your constituents knowing about it, you would say that this proposition should not be heard until after the next election. [Laughter.] But we can not help it. We have to bring it before you, and if the Committee on Rules will make it in order, gentlemen may answer to their constituents whether they want a parcel post, whether they want a general parcel post, or a parcel post limited to the rural route, and the character of the post that they desire. There are two sides to this question, and they are both pretty warm sides. If gentlemen present could see the tens of thousands of demands from the merchants of the United States that no kind of parcel post be inaugurated, and then if they could see the tens upon tens of thousands of demands on the part of the farmers of the United States that a parcel post shall be inaugurated, they would readily understand how this committee felt in approaching a question upon which there was so great a division. The report, on pages 8, 9, and 10, discusses the question. I shall not take the time of the House to review the questions presented in the report for consideration. I desire to say briefly, however, that with the many obstacles presented on one side to any enactment at all, and the demands upon the other that the committee have felt that the features which they here present in this bill were the only wise ones to be presented at this time. The merchants of the country say that if a general parcel post is enacted their business is to be destroyed, because the farming communities of the country, under a low rate of postage, will send to the great cities, far away from the seat of business and location where they live for their goods and merchandise; that it will cripple trade and commerce; that it will destroy the advancement and growth of small and rural communities; and that

it will be practical concentration or centralization of the trade of the country in the vast commercial centers of the country, and therefore injuriously affect not only the merchants themselves, but a vast majority of people who have commercial relations with the local country merchants.

Upon the other hand, the farmers say that they are entitled, as a matter of right, to patronize that market which gives them the cheapest goods and that they are entitled, as a matter of right, to have that legislation from the Congress of the United States that will enable them to reach any market of the United States in which it may be beneficial for them to trade, and that we have no moral right in the interest of mercantile interests, locally, to deprive them of the benefits to which they feel they are entitled in an all-American market. These are the questions, briefly, with which we had to deal.

Again, it is said that the United States, under the postal conventions, permits 23 foreign countries to send mail through the United States to the extent of 11 pounds at 12 cents per pound, while it requires the American citizen to pay at the rate of 1 cent an ounce, or 16 cents per pound, for mail carried in the United States.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. MOON of Tennessee. I do.

Mr. MURDOCK. Mr. Chairman, I have read very carefully the report of the committee—I suppose prepared by the chairman—and I find that he says in his report, under the subhead of "parcel post," this:

The ounce-rate law now in force is not repealed by this section.

Meaning by that that the old rate of 1 cent an ounce on parcels up to 4 pounds in weight remains in the law. Now, if that be true, I want to ask the gentleman this: If the provision in the bill as it now stands becomes law, and I as a citizen walk up to a post-office window with a 14-ounce package with 12 cents in stamps on it, the clerk will say, "You have not paid sufficient postage on your 14-ounce package by putting 12 cents in stamps on it." If I then go around the corner and add a couple of ounces of sand to my package and again present it to the clerk, will not that clerk, under the law as it is proposed by this bill, then say, "Twelve cents is enough." In other words, as this law is constructed are not we providing, in a system where we pay for the carrying of mail by weight, for sending a higher weight package for a lesser sum than we pay for a lesser weight package in the same system? Is not that true?

Mr. MOON of Tennessee. I will explain it to the gentleman in a moment. I am about proceeding to discuss that point.

Mr. MURDOCK. Is not that the fact under this system?

Mr. MOON of Tennessee. I did not quite catch the gentleman's last proposition about the 2 ounces of sand.

Mr. MURDOCK. This is the proposition, that if a person presents a 14-ounce package at the post-office window with 12 cents in stamps upon it, under this law the clerk would say, if the old 1 cent an ounce law now stands, as the gentleman says it does, "No; 12 cents will not carry this 14-ounce package; you will have to put 14 cents on this 14-ounce package." Then I can take the same package, add 2 ounces of sand or anything else to it and bring my package up to 16 ounces, present it, and then the clerk will say, "Twelve cents is now sufficient." In other words, under the ounce and pound rates the gentleman has in this bill it will take 14 cents to carry a 14-ounce package and it will take 12 cents to carry a 16-ounce package?

Mr. MOON of Tennessee. I will answer the gentleman in a moment.

Mr. MURDOCK. This report says clearly that the old rate of a cent an ounce is to remain the rate.

Mr. MOON of Tennessee. I understand that. Mr. Chairman, I will answer the gentleman's question in the remarks I was about to make before he asked the question. The committee felt that inasmuch as foreign governments had the right to send mail through the United States at the rate of 12 cents per pound that the same rate ought to be accorded to the American citizen. Now, I am going to be entirely frank with this House on that question. The proposition put in this bill permitting mail to be carried on the same terms that it is carried under the international convention is not put there to cover nor was it intended to be an answer to the demand for a general parcel post in the United States. It was more to meet the argument than anything else that we were giving to the foreigner that which we did not give to the American citizen through the mails. Now, I do not think that this proposition of 12 cents a pound is going to be of material benefit to anybody, for the reason that it is a pound rate and not an ounce rate. It does not provide for fractions of pounds. It provides for pounds only. It does not repeal the law that provides for the ounce rate. That law is not inconsistent with the statute which we are proposing. They

can be administered together without conflict, as one is for the ounce and the other is for the pound.

Mr. MURDOCK. Now, will the gentleman yield?

Mr. MOON of Tennessee. I trust the gentleman will wait until I get through with this. I can not yield any further now. Now, suppose you want to send anything under a pound. You have got the ounce rate, and you can send it under that if you see fit. If you want to pay at the pound rate, we take it that in construing the laws together the department would hold that if anything less than a pound were offered it could go at the rate of a pound; but when you cross the pound mark, there you come to the two statutes, one fixing the rate by the ounce and the other by the pound, and the pound rate can not be severed; it can not be divided into fractions.

The ounce rate will have no longer an application, because you have passed to the pound limit. Therefore if you carried a pound and an ounce it would cost you 24 cents. It will be cheaper decidedly to use the other statute. There is no reason why it should not do it. It is an even-pound proposition without any fraction whatever. The ounce proposition is on the fraction. It may be the gentleman's proposition is correct, but I hardly think it would be in construing the two statutes together. I do not think this section is of great value. It will only cost the American citizen the same rate as it costs the foreigner and give us a pound rate instead of an ounce rate, but does not affect the existence of the pound rate. Suppose you take 3 pounds and a fraction at 12 cents a pound. Three pounds would be 36 cents, and the fraction would be the same as a pound. It would be 48 cents. Suppose you take 3 pounds and a fraction under the old rate and it would be 49 cents. So there would be no difference in it until you reach the 4-pound proposition. When you have reached the 4-pound limit, then you have reached the limit where it is cheaper to send by freight than to use the mails of the United States, because we are advised in the ordinary zone limit that the express companies fix they will really carry a package of 11 pounds for about 85 or 90 cents. It would be cheaper, however, if you were shipping across the continent to use the mail instead of express.

Mr. NORRIS. If it does not interrupt the gentleman, I would like to ask him at this point whether he could give any figures as to the actual cost as compared with the receipts of our foreign mail; that is, international packages. Do we make money or lose money under the present law?

Mr. MOON of Tennessee. It is hard to tell whether we do or not. The settlements made by foreign governments with the United States are a system of balances, I understand. They take one against the other. I am not prepared to say. I would not be prepared except on information from the department, and I have received no information from them except that we are three years behind in obtaining the balance.

Mr. NORRIS. Then the department itself does not know—

Mr. MOON of Tennessee. It has not so advised us—

Mr. NORRIS (continuing). What that particular system is costing us?

Mr. MOON of Tennessee. I will say to the gentleman that while we have no accurate information from the department, the impression I have from what has been stated there is that it does not cost the Government anything. I mean that the Government makes a profit by it, perhaps, in the general balances. In other words, if the gentleman wants to know whether, in my opinion, or not we can transport mails to the United States outside the zone rate at 12 cents a pound, I believe we can.

Mr. NORRIS. I was anxious to know, because it bears on the other question somewhat, whether in these longer hauls from one nation to another it costs the Government, or Governments, more to transport the packages than they actually get from the persons who pay the postage?

Mr. MOON of Tennessee. I am not prepared to give the gentleman accurate information on that question.

Now, I will proceed to a brief discussion of the other sections of the bill, but before passing from this section I want to be frank with the House on this question. I do not believe this first section establishes an effectual general parcel post. I do not believe it is going to be of any material benefit either to the farmer or to the merchant. It is put there to equalize the foreign and domestic proposition in a measure, upon this question, and more, as I said before, than anything else, to meet the suggestion that we were treating the foreigner better than our own people.

Mr. J. M. C. SMITH. I understood the remark of the chairman to be that for 1 pound it would be 12 cents.

Mr. MOON of Tennessee. Yes.

Mr. J. M. C. SMITH. What would it be for 17 ounces?



Mr. MOON of Tennessee. For 17 ounces it would be 24 cents.

Mr. J. M. C. SMITH. So that increasing the weight by 1 ounce it adds 12 cents more?

Mr. MOON of Tennessee. Yes. It does not interfere with the ounce-rate proposition. This is a pound proposition, and not an ounce proposition.

Mr. J. M. C. SMITH. That was a continuation of the inquiry of the gentleman from Kansas [Mr. MURDOCK].

Mr. GREEN of Iowa. Will the gentleman yield for a further question?

Mr. MOON of Tennessee. Yes.

Mr. GREEN of Iowa. I notice the gentleman stated, and I also find in the report of the committee, that this provision for the pound rate does not interfere with the ounce rate now in force.

Mr. MOON of Tennessee. I do not think a proper construction of the act would interfere with it; no.

Mr. GREEN of Iowa. I would like a little further explanation in reference to that, for this reason: I observe, in section 8, that postage shall be paid on matter of the fourth class at the rate of 12 cents a pound, as therein provided. Now, the only exception made is with reference to matter carried on the rural routes.

Mr. MOON of Tennessee. Exactly. The gentleman will observe this, that this is a pound rate, and it is not an ounce rate. They are under entirely distinct laws and are distinct propositions. There is no conflict, in my judgment, between the two statutes. Of course, I do not know what the department may hold about it. I do know that when the question was first submitted to the department as to what their construction would be, the construction that the department adhered to was that which I have given. Since then I have been advised by one portion of the department that there is some doubt as to what the construction ought to be. But I do not think, myself, that there will be any great trouble on that account, even if the department should conclude and construe the act so that the fraction of a pound would assume the ounce rate. If that should be applied to it—instead of the pound rate being applied to the fractions—then the benefits to be derived under this act are still not of very great service to the people, in my judgment.

Mr. KENDALL. The gentleman's proposed bill establishes the pound rate elsewhere than on the rural routes, and there the ounce rate is established?

Mr. MOON of Tennessee. Yes; in another section the other applies.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Kansas?

Mr. MOON of Tennessee. I do.

Mr. ANTHONY. Would the gentleman state the objection to making a simple rate of three-fourths of a cent an ounce on a simple package? Would there be any objection to that?

Mr. MOON of Tennessee. There might be an objection to that. I do not know of any serious objection to that if the House desired to do it. But the committee had not thought that was the best way to present the matter to the House.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield a little further?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Iowa?

Mr. MOON of Tennessee. Yes.

Mr. GREEN of Iowa. What I had in mind was this, that having fixed the rate per pound, would not that wipe out the lower rates?

Mr. MOON of Tennessee. Oh, no; I think not. I think the ounce proposition stands by itself, and the pound proposition stands by itself. Under the general rules of construction they are to be construed together. Where there is a conflict between the two acts the first act will yield to the latter. But there is no material conflict between them, and there is no construction that can be made of either act, I think, that will destroy the other.

Mr. LOBECK. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. MOON of Tennessee. Yes.

Mr. LOBECK. If the package comes from Europe to this country at 12 cents a pound, and if it is 1 pound, the rate is 12 ounces; but if it is 18 ounces, what would the rate be?

Mr. MOON of Tennessee. Under the pound rate?

Mr. LOBECK. No; coming from Germany, say, if it were 18 ounces?

Mr. MOON of Tennessee. That comes under the international agreement. That would be 24 cents.

Mr. KENDALL. I want to ask the gentleman from Tennessee, Has the Committee on the Post Office and Post Roads considered the propriety of establishing a four and three-quarters rate for the purpose of avoiding confusion?

Mr. MOON of Tennessee. No. The committee did not think that there would be any conflict between the two laws on that account. In fact, the committee did not care to establish that. It simply met the proposition that the American people were entitled to the same pound rate that the foreigner has.

Mr. KENDALL. I wondered if the gentleman had considered that in connection with the Post Office authorities.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Kansas?

Mr. MOON of Tennessee. Yes.

Mr. MURDOCK. I have heard it charged in the newspapers—but I am unable to read into the law just where the charge rests—that under this provision, as written in this bill, a farmer could not send a package from the farm to a man in town, but that the man in the town could send the package to the man out on the farm. Now, I want to ask the gentleman from Tennessee in that connection this question—

Mr. MOON of Tennessee. The gentleman ought to have denied that when he heard it as a member of the committee.

Mr. MURDOCK. How is that?

Mr. MOON of Tennessee. I say the gentleman ought to have denied that as a member of the committee when he heard it.

Mr. MURDOCK. I went through the bill again, and I found myself puzzled as to this. I will ask the gentleman what would happen in a ruling in a case like this: A farmer starts a package from his farm addressed to John Jones, living at 220 Pennsylvania Avenue. Now, when that package comes from the farm to the post office here in Washington, is that package, say a 3-pound package, deliverable by a city carrier? In other words, will this rural parcel rate enter into the city service? I can not tell from a reading of the bill.

Mr. MOON of Tennessee. I do not think it will.

Mr. MURDOCK. The gentleman thinks the addressee would have to come to the post office and get his package?

Mr. MOON of Tennessee. Yes.

Mr. LEWIS. Mr. Chairman, will the gentleman yield further on that point?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Maryland?

Mr. MOON of Tennessee. Yes.

Mr. LEWIS. I want to ask the gentleman from Tennessee whether the test of admissibility to the mail service under the rural-delivery section, as well as under the 12-cents-a-pound section, is that it is mailable under the fourth-class law?

Mr. MOON of Tennessee. Unquestionably.

Mr. LEWIS. Now, I want to ask the gentleman from Tennessee whether there is anything produced on the farm that is mailable under the fourth-class law?

Mr. MOON of Tennessee. Oh, yes.

Mr. LEWIS. What?

Mr. MOON of Tennessee. Bulbs, and potatoes, and a few things like that are mailable, and the department can extend that construction to suit itself if it finds that the legislative intent justifies it.

Mr. LEWIS. I want to suggest, in justification of my question, that I have gone over the list—

Mr. MOON of Tennessee. I do not believe there is any holding that chickens can go, but there are a good many other things.

Mr. LEWIS. Why potatoes and not chickens?

Mr. MOON of Tennessee. I do not know. The ruling has not gone that far. They may reach that yet.

Mr. KENDALL. Perhaps the question has never been presented yet.

Mr. MOON of Tennessee. Probably the question has never been presented.

Mr. LEWIS. I want to suggest to the gentleman from Tennessee that under the fourth-class law, defining the mailability of articles, nothing produced on the farm except dried fruit and "queen" bees is subject to reception, either under the rural-delivery clause or the other.

Mr. MOON of Tennessee. I think that is a mistake. They have held that bulbs, and potatoes, and things of that sort are mailable. Still, that is a matter for the department. Congress would not undertake to make a list of things that should be mailable as fourth-class matter. That is a matter of departmental regulation, and I assume that under the term of "general merchandise" anything that is held to be salable, of a mercantile nature, whether a farm product or anything else, would un-

questionably go if the Congress in the passage of a law indicated that intent. I am sure that the department would give that construction in that case.

Mr. LEWIS. I want to say to the gentleman from Tennessee that my understanding of the situation is that all those things are excluded by the very definitions of this bill.

Mr. MOON of Tennessee. I think not. That will be a matter of construction by the department.

Mr. KENDALL. The department has already acted on these things.

Mr. MOON of Tennessee. Passing from that section, to which we have already given too much time—

Mr. HAMILTON of Michigan. I suppose I am woefully ignorant about this, but I have been submitting inquiries to my friends near me, and they seem to be about as ignorant as I am. I want to pursue the inquiry of the gentleman from Kansas [Mr. MURDOCK] about a package coming in from the country, directed to 220 Pennsylvania Avenue, Washington, D. C., and I want to inquire why, when that package comes to the post office here, it should not go right on to 220 Pennsylvania Avenue?

Mr. MOON of Tennessee. Because 220 Pennsylvania Avenue is not on any rural route, and the section provides for the delivery of goods on these particular routes.

Mr. HAMILTON of Michigan. I suppose that settles it. [Laughter.]

Mr. MONDELL. Mr. Chairman, in framing this provision for a parcel post on rural routes, did the committee—

Mr. MOON of Tennessee. Before the gentleman asks that question will he permit me to discuss for a moment the second section, and then I will come to that and answer his inquiry if I am able.

Mr. MONDELL. Certainly.

Mr. MOON of Tennessee. It will be observed that this bill contains a section that asks for a commission to investigate and determine the propriety and wisdom of the establishment of a general parcel post. The reasons are given in the report why this commission should be established. The report says:

The necessity for conservative legislation in view of such a contention and division among the people is apparent. We should seek to secure all the advantages possible and avoid all the disadvantages that may arise from any proposed legislation in the interests of the masses of the whole people. Laws should bear as nearly as possible equally and justly on all classes under all conditions. We have heard much testimony, very interesting in its details, but for the most part from those who express an opinion from a general view of general conditions. We need specific facts and not merely opinions on which to pass intelligent and satisfactory legislation. It would seem essential that we know how this innovation in our postal system will affect our revenue; what additional burdens we must assume in increased numbers of employees, and the increased railway and carriage pay; whether a flat rate can be established for the whole of the United States or not and at what figure; whether it would be wise to adopt the zone system of transportation and pay for carriage or not; how far this extra service would interfere with the handling of first, second, and third class mail matter; the probable losses and profits under different rates; the effect on the centralization of trade; whether the express companies could under one system or another secure the short hauls and leave the long and expensive hauls to the Government; whether it would first be best to condemn the express companies' contracts with the railroads or not, and use them, or to force the railroad companies to equal rates for the Post Office Department that is granted the express companies, or to pursue either of these courses; to know the tendency of the system to create and sustain monopolies, and its effect on the commercial and farming interests of the country. On these matters there should be some definite information (in the interest of the general public) for use in the enactment of a wise law on the subject, before any law general and unlimited in its character at a low rate of postage and increased number in pounds should be established. This information can best be obtained and applied for good results only after a full consideration by a commission of persons especially equipped and experienced in such investigations and clothed with full power to ascertain the facts. Therefore the embodiment in this bill of a section creating a commission and directing the examination and report, that the true facts and conditions may be known in advance of legislation.

Mr. LEWIS. Will the gentleman yield?

Mr. MOON of Tennessee. In a moment. Now, gentlemen, it is impossible for us to tell. Your committee has no means of knowing, at least no information has been brought before us, that will enable us to tell how a general parcel post, covering the whole of the United States, without a zone rate and at a particular figure, carrying parcels from New York to California, will affect your revenues. We do not know whether we are going to get the long hauls or the short hauls. We do know that to-day, under the contract between the express companies and the railroad companies, the express companies pay about three-quarters of a cent per pound wheelage to the railroad companies, and that they have some divisions of net profits of which we are not informed, and that the Government of the United States can not get a contract, or has no contract that we can use, for less than 6½ or 7 cents a pound. It is impossible for the Government, paying that rate of transportation and the cost of handling the mails, to compete with an express company

in combination with a railroad company at a rate amounting to only one-sixth or one-seventh as much.

In my opinion, before we establish this parcel post, we must obtain information of an accurate and definite nature from men before whom experts will come and give testimony that will justify legislation here. We must have a contract with the railroad company that is equal in its benefits to that given to the express companies, or the Government must exercise its sovereign power to take control of the express companies by condemnation. [Applause.] You can not deal with a great question like this hastily. You may plunge into the midst of it to-day on a proposition for 6 cents or 7 cents for carrying packages of 10, 15, or 20 pounds throughout the United States and involve the Government in debt to the extent of \$100,000,000 a year. You must know what you are doing before you undertake it; you must have knowledge, you must have information on the subject before you undertake an enactment of this kind.

I know the pressure is coming strong on you from all the farmers of the United States demanding the passage of this bill or that bill or the other bill, but pray, what do the farmers in the United States know about it more than we do? We want to subserve their interests as a part of our people. There is no part of our great American people that deserves more consideration than do the farmers of the United States at the hands of this Congress, but in subserving the great mass of our fellow countrymen we do not want to strike down the interests of any other class, we do not want to paralyze the commercial interests of any section of our country. Let us know, let us be certain what we are about, and then let us proceed to the enactment.

They say that this bill is an entering wedge. Surely, if it is anything, that is all it is. It does not offer much to the farmer, but what it does offer is indicative of the fact that we propose an investigation that will give more, and in giving more we do not propose to paralyze any industry of our country if we can avoid it. [Applause.]

That is the reason for this commission. Your inquiry should be made complete, your information should be satisfactory not only as to the effect upon your revenues, but upon your commercial affairs. Now I will yield to the gentleman from Maryland.

Mr. LEWIS. I thank the gentleman from Tennessee. The committee has in its so-called rural clause gone into what might be called the rural parcel post, and the rates proposed are 5 cents for the first pound and 2 cents for each additional pound up to and including 11 pounds, making 25 cents for 11 pounds.

Mr. MOON of Tennessee. Yes.

Mr. LEWIS. Now, I want to ask the chairman of the committee upon what data, if any, these rates were made? And I want to suggest, so that he can meet the point in his reply, that my studies lead me to believe that the rates established for the rural parcel post are sufficient to pay the cost of the service for rural purposes and some 250 miles of railway haul besides.

Mr. MOON of Tennessee. The gentleman from Maryland is perhaps much better informed on this question than I, as he has been a student of economics along that line. The reason for the establishment of the rural parcel post is apparent. In the establishment of a general parcel post and the handling of the mail matter the Government would have to go into a system something like the express system. It would have to increase its employees; it would have to have its agents and fix the zones of transportation; it would, in fact, take over an immense express business, covering all the States of the Union. But in the rural parcel post we do not have to add a single dollar of expense in order to have the law carried out. We have our routes established; we have our carriers and their equipment, all together sufficient to carry out the rural proposition. And, then, the rural proposition is limited to the route upon which the service begins and must end. We therefore can establish the rural parcel post without an additional dollar of expense to the people of the United States and without incurring the possibility of these troubles that would arise from the establishment of a general system covering the whole country. The difference is, as I hope the gentleman will observe, very wide between a general parcel post and a mere local parcel post. This is established as an experiment.

The department estimates that this rural parcel post, although an experiment, costing nothing more, excepting perhaps a slight raise in the salary of the rural carriers—this system, over 42,000 routes in the United States, would yield us seven to ten million dollars' profit annually, helping to remove the deficit that has heretofore existed in the establishment and maintenance of the rural delivery routes.

Mr. SLAYDEN. Will the gentleman tell us just how he gets that estimate?



Mr. MOON of Tennessee. There are 42,000 routes, and if you carry a full 11-pound package four times over each one, three hundred and sixty-odd times a year, they get more than that figure.

Mr. MONDELL. Now will the gentleman yield to me?

Mr. MOON of Tennessee. I will yield to the gentleman from Wyoming.

Mr. MONDELL. Did the committee in considering the establishment of a rural free delivery parcel post consider the feasibility of extending such parcel post to star routes?

Mr. MOON of Tennessee. We did not think it wise to do anything more than we have done at this time—to establish it for that rural route and limiting it to the matter arising and ending for delivery on the route.

In other words, to be entirely frank with the gentleman, we wanted to touch this question just as lightly as we could to get it into the House, and then let the House determine what it wanted to do in regard to the matter and by its united wisdom do the best we can for farmers, merchants, and all citizens.

Mr. MONDELL. Did the committee consider first that there are regions where there are practically no rural free-delivery routes?

Mr. MOON of Tennessee. It did.

Mr. MONDELL. There are entire States that have not over a dozen such routes, but which are covered from one end to the other with star routes, which are for all practical purposes rural free-delivery routes.

Mr. MOON of Tennessee. I concede that the gentleman's suggestion is a wise one, and one that ought to be carried into full effect when this rural-route matter is permanently established; but this is only an experiment to last two years, and we thought it ought to be made on the established routes and not upon the star routes.

Mr. MONDELL. The committee, then, did not consider the extension of the system to the star routes?

Mr. MOON of Tennessee. Oh, no.

Mr. MONDELL. And, therefore, there were no reasons given why the system should not be extended?

Mr. MOON of Tennessee. No; and I think there is no sound reason why it should not be extended to the star routes, where there are no rural routes, ultimately, if the system is adopted; but we are experimenting for two years on the rural routes.

Mr. MONDELL. Why not at the same time broaden the experiment a little to routes of practically the same character?

Mr. MOON of Tennessee. I do not know that there would be any serious objection to that, but it is a matter that the committee did not take into consideration.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. MOON of Tennessee. Certainly.

Mr. MURDOCK. Mr. Chairman, I want to clear up a point, if the gentleman will permit, on the exact meaning of the law. Can a man under this bill, on a rural route, send a package from the farm to the city post office?

Mr. MOON of Tennessee. He can, if that city post office is the end or the beginning of that particular rural route.

Mr. MURDOCK. That is what I mean. The starting of the rural route is to be construed as on the rural route.

Mr. MOON of Tennessee. Yes. Most of them start from the cities.

Mr. MURDOCK. But the gentleman holds that that package having reached the city post office, no matter what its weight, can not get into the City Delivery Service.

Mr. MOON of Tennessee. I think not under the terms of this bill.

Mr. MURDOCK. If out here in the city of Washington some citizen places on the collection box a 3-pound package, with the parcel-rate postage on it, addressed to some man on a rural route in Virginia, is the collector under this law prohibited from collecting that package for entrance into the mails as a parcel going to the rural route in Virginia?

Mr. MOON of Tennessee. He would put it into the mail as general mailable matter, and if it did not have the rate of postage on it that it ought to have under the general law it would be held for that purpose. If he wanted to get it on the rural route and obtain the benefit of the low rate of postage, he would have to deposit it somewhere on that route.

Mr. MURDOCK. Would not the gentleman be under the necessity of taking his package to this city post office from which the route starts?

Mr. MOON of Tennessee. If he wanted to get the benefit of the low rate, he would.

Mr. MURDOCK. But he could not get that low rate by placing it on a post box out here in the city.

Mr. MOON of Tennessee. I do not think he would; but the postmaster might hold that the box was a part of the means of

collection for that particular post office and that wherever a box was placed that was the post office for the purpose of mailing matter. That is a matter of construction in the department, and I would not undertake to say how they would hold.

Mr. MURDOCK. There is another question I would like to ask the gentleman. I do not think the committee considered it at all. That is, in nearly all of the parcels arrangements in other countries some provision is contained as to the dimensions of packages. There is no such provision in this bill.

Mr. MOON of Tennessee. There is no such provision here.

Mr. MURDOCK. Why not?

Mr. MOON of Tennessee. Because it is not necessary to put it in the bill. The department already has a rule as to the dimensions of packages, merchandise, as to size.

Mr. MURDOCK. It is a very indefinite proposition as to being nondeliverable.

Mr. MOON of Tennessee. Yes. There are a great many things that ought to be in a bill providing for parcel posts that we did not deem it proper to consider or place in a bill that merely provided for an experiment along that line over established rural routes. The matters of which the gentleman speaks are matters of administration and not an item of legislation to be decided—

Mr. MURDOCK. However, the parcel arrangement in other countries absolutely fixes the maximum size of the packages. I think the Japanese provision is 3 by 3 feet, whereas under this law it would be possible, if the feathers were light enough, to send a freight car full.

Mr. ALEXANDER. Mr. Chairman, I think if the gentleman will consult the regulations with reference to fourth-class mail matter that he will find specified just what the size of the package shall be by regulation, and this provision simply extends the fourth-class mail packages to packages weighing 11 pounds instead of 4 pounds; that is all. The size of the package in the present law is expressly stated.

Mr. MURDOCK. I think there is absolutely nothing in the law or regulations as at present constituted which regulates the dimension of any package. It is merely an indefinite one.

Mr. MOON of Tennessee. As a matter of fact, there are rules in the department on that subject.

Mr. SAMUEL W. SMITH. Will the gentleman yield for a question?

Mr. MOON of Tennessee. I will.

Mr. SAMUEL W. SMITH. Does the gentleman understand there is anything in this bill to prevent, say, for instance, a firm like Sears, Roebuck & Co., of Chicago, establishing an agency of their own at a village or city wherever there are rural routes and send their goods there to be sent out?

Mr. MOON of Tennessee. No; this committee would not put anything in the bill to prevent Sears, Roebuck & Co. or anybody else carrying on business in any way they saw fit. It is not the purpose of the committee, and we do not care what benefits Sears, Roebuck & Co. get out of it, or anybody else. We are just proposing to make this experiment to determine the final wisdom of a parcel post, general in its character.

Mr. AKIN of New York. Will the gentleman yield for a question?

Mr. MOON of Tennessee. I will.

Mr. AKIN of New York. Is it not a fact that the American Express Co. have agencies all through the country where they purchased goods to deliver to these people in the country, just as well as Sears, Roebuck & Co. or Montgomery Ward & Co. do?

Mr. MOON of Tennessee. I do not know whether that is a fact or not; they never came about me.

Mr. AKIN of New York. I have made purchases through the American Express Co.

Mr. ANDERSON of Minnesota. Will the gentleman permit me to ask a question?

Mr. MOON of Tennessee. I will.

Mr. ANDERSON of Minnesota. I understood the gentleman in his colloquy with the gentleman from Kansas to say that you could not ship a package from one rural route to another rural route, both from the same post office, at the benefit of the 2-cent rate.

Mr. MOON of Tennessee. Well, I think that is the meaning of this section, that it is confined to the particular route upon which it originated. That is the reason why the price is so low. You will observe, gentlemen, that this bill does not propose to establish a complete parcel post. It is very far from it. It proposes only to obtain by experiment and as a result of a commission the facts upon which we must determine later whether such a system, such an innovation in our postal system, shall be inaugurated or not. Now, if you will permit me to pass away from this question—

Mr. FORNES. Will the gentleman yield for a question?

Mr. MOON of Tennessee. I will.

Mr. FORNES. Does the Government assume the responsibility of total loss of the package? Suppose the 11 pounds are in value \$150. The sender will have it registered and the registration will cost him 10 cents. Now, we are aware that the delivery of packages through the rural route is attended with greater danger of loss than it would be in small towns or a city, and in other words, suppose, as has been stated I believe, that it would not require additional equipment, and that in the rural route there might be 50 packages weighing 11 pounds each. Would it be possible with the present equipment of that rural carrier to take the 550 pounds without considerable additional expense?

Mr. MOON of Tennessee. Where he will be overloaded very heavily there might be some additional expense, but there is no likelihood of there being so much weight for transportation, and if there were one good team could carry it. As to the first inquiry which the gentleman made, I desire to reply that the Government does not insure packages beyond the sum of \$30, I believe.

Mr. FORNES. That is the limit, \$30?

Mr. MOON of Tennessee. Yes, sir.

Mr. KENDALL. Mr. Chairman, I hope the gentleman will not understand that these inquiries are captious, because they are not. I understand from the provisions of this bill a patron living on route 1, for instance, could not send a package over his route through the local post office to a customer on route 2. Am I correct in that?

Mr. MOON of Tennessee. That is correct.

Mr. KENDALL. Suppose one patron of the route lives 3 miles from the post office, and desires to transmit a package to a patron living 7 miles farther on the road; he may do that?

Mr. MOON of Tennessee. Yes.

Mr. MURDOCK. Mr. Chairman, it would not be possible for a farmer to send another farmer a comb of honey, would it?

Mr. MOON of Tennessee. I do not know what the department would rule about honey as mailable matter. You can not tell that in advance.

Mr. MURDOCK. One absolutely could not.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MOON of Tennessee. I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. I assume that the department stores would very largely avail themselves of this 5 cents per pound rural route provision. May I ask whether if any large deposits of parcels and packages were made by a department store in the center of a large city, it would be necessary to deposit in the main city post office, or carry to a starting point on the rural route?

Mr. MOON of Tennessee. I do not understand exactly what the gentleman means.

Mr. MOORE of Pennsylvania. Would it be necessary for the store to deposit in a city post office or from a starting point on the rural route?

Mr. MOON of Tennessee. I think if under this provision they carry packages, whether they start in one city or in another, it will be necessary to make this delivery to a postmaster on the route or at the starting point.

Mr. MOORE of Pennsylvania. Within the city limits?

Mr. MOON of Tennessee. In the city limits or country either. It has got to be delivered on the particular route.

Mr. MOORE of Pennsylvania. Has the gentleman thought of the possibility of the disposal of the carrier wagons by the large stores and the taking over of wagons by the Government?

Mr. MOON of Tennessee. I hardly understand what the gentleman means.

Mr. MOORE of Pennsylvania. It is highly probable if the department stores avail themselves of this provision there would be a very large exchange of delivery wagons. That is to say, the department store would be relieved of the delivery service, which the Post Office Department would take on.

Mr. MOON of Tennessee. The Post Office Department would not take it on outside of the main office, I take it. I think the gentleman is mistaken about the effect it would have in one view of the situation. For instance, if you were going to send from the city of Philadelphia, where the gentleman resides, to a rural route somewhere in the State of Maryland, it would not pay the department store, in my opinion, to ship to the town and then have to pay the extra postage from there over the rural route. The cost of postage in the first instance at 12 cents a pound would be cheaper.

Mr. MOORE of Pennsylvania. The eighth section of the bill provides:

That on each and all rural mail delivery routes of the United States the postmaster at the starting point of such route shall until June 30,

1914, receive and deliver to the carrier or carriers of said routes all articles, parcels, or packages not prohibited to the mails, etc., that the carrier shall receive—

And so forth.

Now, I want to make myself clear to the gentleman, because I regard this as a very vital matter in connection with this whole parcel-post question. The great volume of this business will undoubtedly come from the department stores. Now, where is the post office to take on this business that goes onto the rural route?

Mr. MOON of Tennessee. At some initial point or some point along the line of the particular route. It can not go from one route into another.

Mr. MOORE of Pennsylvania. Can the department store deliver these packages in a post-office box at the corner?

Mr. MOON of Tennessee. I do not think so. I think the sender would have to put it in the post office. I do not know what the department would rule on that subject. That is a matter that is not for construction under this act. The proper construction of this act would not involve that proposition in any way, and it is a matter for construction.

Mr. MOORE of Pennsylvania. The gentleman sees how important it is in the matter of expense. The delivery service of a large store is a large item of expense. If the department store rids itself of the horses and wagons which it necessarily must maintain for this rural delivery as well as for the city service and the Government takes over that business, it becomes a large item.

Mr. MOON of Tennessee. I do not think the department would so hold. I think if they put the goods in a delivery box out in the city it would have to be accompanied, under the general law, not with a special rural delivery stamp, but general postage.

Mr. MOORE of Pennsylvania. The words "delivered at the starting point" would seem to imply—

Mr. MOON of Tennessee. The starting point would be in the city post office, I think, and not in the box.

Mr. KENDALL. In the post office?

Mr. MOON of Tennessee. In the post office.

Mr. KENDALL. The question of the gentleman from Pennsylvania is whether the Government would be obliged to collect.

Mr. MOON of Tennessee. The second section provides that the Postmaster General will make the regulations necessary, and so forth.

Mr. MOORE of Pennsylvania. Assuming that I am the owner of a large department store, which I am not, that I have to deliver 5,000 small packages to-night to farmers, who ordered them by mail, do I send to the postmaster of my city to come and get these packages, or do I send them to the post office?

Mr. MOON of Tennessee. If you want to send them under general postage, under the postage provided by general law, you must deliver them in the packages, I take it, and the department wagons, the Government wagons, would take them out. But if you wanted to avail yourself of the special low rate for the rural route, I think your department store would have to take those packages to the post office or deliver them to the carrier somewhere along the route; but, as said before, it will be subject to construction and regulation by the Postmaster General.

Mr. MOORE of Pennsylvania. If I put them in the box on the corner, the Government must provide facilities for the large quantity that I have to deliver every day?

Mr. MOON of Tennessee. I take it they would make you pay the extra postage. I do not know.

Mr. MOORE of Pennsylvania. I would like to ask the gentleman one other question. Why is it necessary to apply these reduced rates—that is to say, up to 5 cents a pound on parcels—to the rural routes only? Why should not the city dweller, who is perhaps no more favorably situated financially than the dweller in the country, be excluded from the advantages of a lower rate or a 5 cents per pound rate?

Mr. MOON of Tennessee. Because we want to deal later, not now, with the city citizen. We are dealing now with the country citizen on this proposition.

Mr. MOORE of Pennsylvania. Then the proposition is simply an experiment to be tried out on the country dweller, and the city dweller is to take his chances in the future?

Mr. MOON of Tennessee. The gentlemen in the city will be provided for, no doubt, by the commission.

Mr. KENDALL. They are already provided for.

Mr. MOORE of Pennsylvania. As to these parcels delivered by department stores, I understand there is nothing in this bill which enables them to avail of the long haul, say, from Baltimore to California, at this 5 cents a pound rate?



Mr. MOON of Tennessee. Nothing in the world. If he wants to ship his goods he must pay the postage under the general law. But he is entitled, of course, to the benefit of the low rate of the rural route when he puts his matter on that route for delivery on that route, as provided for in this bill.

Mr. MOORE of Pennsylvania. Then the long haul is left for the commission to provide for?

Mr. MOON of Tennessee. That is a matter involved in the general proposition to be considered by the commission.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Missouri?

Mr. MOON of Tennessee. I do.

Mr. BORLAND. I notice that the law provides that these packages that the postmasters are authorized to receive are packages that are not prohibited by law to be mailed as falling under the classification of fourth-class mail matter. Would that include any perishable matter? For instance, something was said here a little while ago about a comb of honey. Under this parcel post there could be no delivery of that, could there?

Mr. MOON of Tennessee. The section provides for that under the rules and regulations of the Post Office Department. Under the general law, construing the meaning of merchandise entitled to be mailed under the old law, the department has had a very wide discretion and a wide latitude, and it has from time to time increased the number of articles that may properly be carried under it. I would assume, however, that the department in the exercise of its wisdom in determining this matter as an administrative proposition would not undertake to carry a matter that was perishable in its nature; certainly not very far.

Mr. BORLAND. This amendment would not cover, then, any such articles as poultry, or eggs, or butter, or any of the commodities that the farmer produces and deals in?

Mr. MOON of Tennessee. It might if the department so held, but by the terms of the act there is no provision for any specific thing. The act provides for that which is merchandise and legal fourth-class matter. It is largely a matter of construction by the department.

Mr. LEWIS. At that point, will the gentleman answer this question?

Mr. MOON of Tennessee. Yes; I will answer the gentleman from Maryland.

Mr. LEWIS. What is included under fourth-class matter now has already been defined by the Postmaster General, and it does not include as many as 150 articles?

Mr. MOON of Tennessee. Yes; and the Postmaster General may extend it by construction. He has extended it from bulbs, to begin with, to 150 articles, such as the gentleman speaks of, and he may extend it still further so as to include 10,000 articles.

Mr. FINLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from South Carolina?

Mr. MOON of Tennessee. Yes.

Mr. FINLEY. My construction of what is mailable or not mailable depends on whether the article is or is not of a dangerous character or of such character as would be injurious to the mails.

Mr. MOON of Tennessee. Of course matter dangerous in character is not mailable at all.

Mr. BORLAND. Of course the gentleman from Tennessee understands that one of the great matters which commends the proposition of the parcel post to the farmer is that it would enable him to deliver to customers packages of farm products.

Mr. FINLEY. Then, if the articles would injure the mails in any way the department could, by regulation, exclude them, and if they would not injure the mails the department could admit them.

Mr. SAMUEL W. SMITH. There is no limitation now as to the amount of weight that the rural carrier can carry, is there?

Mr. MOON of Tennessee. Does the gentleman mean the amount of load, for instance?

Mr. SAMUEL W. SMITH. No; if the farmer wants the rural carrier to bring out 50 pounds of merchandise the carrier must do it?

Mr. MOON of Tennessee. The law does not require him to carry 50 pounds. The limit of mail matter is 4 pounds now. Whatever the rural carrier may carry beyond that is purely a matter of courtesy on the part of the carrier.

Mr. SAMUEL W. SMITH. That is to say, the carrier is not limited as to the amount he can carry to the farmer?

Mr. MOON of Tennessee. Oh, no; he is not limited as to the extent of his courtesy. The law does not deal with him except as to the mailable matter, the limit of which is 4 pounds.

Mr. SAMUEL W. SMITH. Then, there is not anything in this bill, as the gentleman understands it, that would repeal any portion of the existing law, as to what the rural carrier may carry.

Mr. MOON of Tennessee. The law now limits the rural carrier to 4 pounds in one package. This section provides for 11 pounds in one package.

Mr. GARNER. What the gentleman from Michigan has reference to is that it would not change the rule which gives the carrier the right to accommodate a farmer if he wants to.

Mr. MOON of Tennessee. Oh, no; there is nothing in the law on that.

Mr. MOSS of Indiana. Under the provision of this bill, if it should become a law, no post office in the United States would have to handle any more rural-delivery packages than went from that particular office to the patrons along the route, or originated on that particular route.

Mr. MOON of Tennessee. The carrier would have to handle the matter that originated at that office, and nothing more in the way of packages, except that he received on the route for delivery on the same route.

Mr. MOSS of Indiana. So, if any one store were to sell 5,000 packages for delivery, they would have to be sold to the patrons of that particular office, accommodated by the rural routes out of that one office.

Mr. MOON of Tennessee. I would not undertake to say that. You can not limit the right of a citizen, wherever he lives, to use the mails of the United States. I do not believe this act would do that. It provides for matter delivered to the post office at the initial point and arising on the route, but the matter may be brought from a great distance to that initial point, and there be mailed. You could not prohibit a citizen of New York from delivering in any post office in the United States anything he wanted to, if it was mailable, and having it mailed there, and obtain the benefit of the rural rate on it.

Mr. MOSS of Indiana. If 5,000 packages were to be mailed at any one point on a rural route, they would have to be addressed to the patrons of that particular office.

Mr. MOON of Tennessee. Yes; they would have to be addressed to patrons of that route.

Mr. MOSS of Indiana. And the person mailing them would have to deliver those 5,000 packages at that particular office?

Mr. MOON of Tennessee. Yes.

Mr. PROUTY. Is there anything in this law that would prevent a rural mail carrier from entering into a private contract to carry these packages at less than the rate received by the Government?

Mr. MOON of Tennessee. There is nothing on that subject in this statute.

Mr. PROUTY. Ought there not to be?

Mr. MOON of Tennessee. The gentleman will perhaps offer it.

Mr. PROUTY. If a mail carrier found he was not getting anything for carrying this mail, is there anything to prevent him offering to carry it for less than the amount of the postage, and in that way getting the benefit of the amount paid?

Mr. MOON of Tennessee. I think the general law would deal pretty heavily with a carrier who violated the postal laws; but this is not a penal provision.

Mr. PROUTY. I understood the gentleman to say that this did not interfere with a carrier entering into a private arrangement—

Mr. MOON of Tennessee. As an individual, I think not.

Mr. PROUTY. Suppose it costs 25 cents to send a package by mail, and the carrier says, "I will carry that package for you for 10 cents"?

Mr. MOON of Tennessee. If a rural carrier should make an arrangement that was in fraud of the revenues of the Government, I think he would be a criminal and be punished. If he did it simply as a matter of accommodation and not acting in his capacity as a carrier and not circumventing the rights of the Government, I think he would have a right to do that, of course.

Mr. PROUTY. Suppose he says, "I will take this out for you for nothing."

Mr. MOON of Tennessee. He could not carry it as a mail carrier for nothing. He would have to take it back to the office and leave it there until there were stamps put on it.

Mr. PROUTY. Suppose he says, "I will carry this out for you for 10 cents"?

Mr. MOON of Tennessee. I do not think he could do that.

Mr. PROUTY. Suppose he should offer to carry it for 15 cents?

Mr. MOON of Tennessee. I do not think he could do anything to violate the postal laws and regulations.

Mr. CARTER. That would be against the law.

Mr. PROUTY. It is not against the law for the carrier to offer to carry 15 pounds now.

Mr. MOON of Tennessee. Not as an individual; but it is against the law for him to carry matter that is mailable and subject to postage, if the package does not exceed 4 pounds. As a matter of accommodation to the farmer, he can carry anything he wants to; but when it goes in as mailable matter, it is limited to 4 pounds.

Mr. PROUTY. Does not the gentleman think there ought to be a special provision prohibiting rural carriers from doing that?

Mr. MOON of Tennessee. There might be. There are many things that might be hedged about in the law, but this is not a proposition of that sort; this is the inauguration of a system which we ought to be careful about; it is ground on which we should tread very lightly.

Mr. LOBECK. Why should not the rural carrier have the right to carry packages as the railroad company does, that also carries the mail?

Mr. MOON of Tennessee. If gentlemen are through asking me questions about the matter I should be glad to depart for a few moments from the consideration of postal matters to the discussion of some other matters.

Mr. JACKSON. Will the gentleman permit one more question?

Mr. MOON of Tennessee. I have left that question, but if the gentleman wants to go back, I will yield.

Mr. JACKSON. I want to ask the gentleman what the reason was—I did not hear the previous questions—for not providing for the collection of these packages by the rural carriers when they are on the way to the post office?

Mr. MOON of Tennessee. This is a rural-route proposition. There is a provision in the bill which permits the carriers to collect them on their routes.

Mr. JACKSON. I mean when the rural carrier is on the way back to the post office, why should he not take up packages and carry them to the post office and let them go back on the rural route the next day?

Mr. MOON of Tennessee. If they are on his route he has a right to carry them.

Mr. JACKSON. Why limit it to his route? Why not allow it to go on any other man's route?

Mr. MOON of Tennessee. Because we thought it wise to experiment on separate routes and not have the matter too much confused.

Mr. JACKSON. I can not see why that would not be extending the experiment.

Mr. MOON of Tennessee. The gentleman understands that the rural carrier can take up matter on the route going and coming if it is on the rural route.

Mr. JACKSON. That may be, although I doubt it, according to the language of the section. The language in the section is that the package shall be carried from the post office.

Mr. MOON of Tennessee. No; the statute provides that he can take it anywhere on the route, and he can carry it and deliver it anywhere on the route.

Mr. JACKSON. On his route. That is the same question that was discussed a moment ago. If this is an experiment, why limit it to one route?

Mr. MOON of Tennessee. Because we want to see the effect of the experiment on each distinct and separate route without confusing it with any other. We wanted to make it as simple as possible.

Mr. JACKSON. Assuming that there are three routes from a small post office, what is the objection to allowing the carriers on route 1 to collect the mail, carry it to the post office for mailing so that it may go out on routes 2 and 3?

Mr. MOON of Tennessee. If it pays the extra postage when it gets to the post office, it can, but this low postage was intended to carry the mail over one route only. You can send things all over the country; it does not prohibit that, but it gives this additional benefit of this low rate for matter delivered on the route and carried over the routes of the patron.

Mr. JACKSON. If I understood the gentleman from Tennessee, he said that the Postmaster General might have authority to extend to the carrier authority to collect this mail.

Mr. MOON of Tennessee. The question was raised as to whether if matter that was intended for the rural route was delivered to a box in the city, the Government could take that up and send it to the post office, and then send it over a rural route, or whether the party that had the package would have to deliver it to the post office. I said for the purpose of securing a lower rate my idea would be that the department would hold that it would have to be delivered to the initial office, but that it was possible that the department might hold that

wherever a delivery box was placed, that was constructively a delivery to the department when put in the box. But that is a matter of administration, and one which I would not undertake to determine.

Mr. JACKSON. I see no reason why, when carriers have their wagons and other equipment sufficient to carry packages out, they should not be allowed to collect them and bring them back.

Mr. MOON of Tennessee. That may be, but the committee did not think it wise to cumber this measure with that suggestion.

Mr. JACKSON. Might it not result in lessening the number of packages mailed, and therefore the revenues collected under the experiment you seek to make?

Mr. MOON of Tennessee. This is the first real opportunity that has come to me since the change of party power in the House to express the sense of appreciation and gratitude which my constituents feel to this body for legislation national in its character, but locally beneficial to them. For several Congresses past the rights of my constituents, in common with the general public interest, have been fully appreciated and recognized by Congress. You have been kind to me as a Representative of this constituency by placing me in positions where I might be of service to them as well as to the country; you have given me service upon the Committee on the Territories, upon the Rivers and Harbors Committee, upon two postal commissions—the result of whose labor was the saving of many millions of dollars to the country—and on the National Waterways Commission, and on the Committee on the Post Office and Post Roads, and finally assigned me to the chairmanship of this great committee. You have, at my request, enlarged the customhouse at Chattanooga, erected a post-office building at Cleveland, and authorized the erection of one at Winchester, and I hope that at no distant day you will authorize one for Athens, Madisonville, Sparta, McMinnville, and South Pittsburg, and other places in the district. You have improved the Chickamauga and Chattanooga National Military Park, and on my motion added 1,000 acres of land to it.

This House has recently passed the bill I introduced, which I am sure the Senate will approve, establishing a brigade post at Fort Oglethorpe in this park; on my motion you have had constructed a road, at the expense of \$50,000, from Lookout Mountain to Chickamauga National Military Park; you have made Chattanooga a port of entry; you have granted lands to the use of the State troops; you have granted the payment of a vast number of war claims to people and churches and lodges in my district; you have enabled me to have established rural routes throughout the congressional district, with free mail delivery in the counties; under unusual circumstances you permitted me to present and have passed in the House a bill to erect a lock and dam in the Tennessee River, which will save over a million dollars to the Government of the United States and secure navigation to the mountainous section of the river, and at the same time producing an electric power that will lessen greatly the cost of all articles manufactured in that section; and again, under most unusual circumstances, you permitted me to extend the time for the construction of this lock and dam in the Tennessee River as provided in the original bill; you have granted, during my services here, appropriations sufficient to complete improvements of the Hiwassee River for the full length of its navigable waters. This work has been completed and a surplus returned to the Treasury. You have granted appropriations during my service in the House to the extent of about \$5,000,000 for the improvement of the Tennessee River. While a member of the Committee on Rivers and Harbors in 1909 I offered a resolution for the complete survey and improvement of the Tennessee River, which you kindly adopted and which became a part of the law in that bill. That survey has been made and the report of the engineers thereon filed with Congress, which is most exhaustive in its character and by the terms of which \$6,700,000 is to be expended on the Tennessee River in the next five years for the completion of its improvement and the obtaining for all the river navigation "the year around," giving a depth of 6 feet from Paducah to Chattanooga and 3 feet from Chattanooga to Knoxville. The Rivers and Harbors Committee has approved this project, and it has been passed in the House of Representatives and will unquestionably become the law of the land. This is a great national improvement. The Tennessee River is the third or fourth greatest stream of the United States. The commerce that will be moved and benefits that will come from the perfect navigation of this great waterway will be greater to the people of the Tennessee Valley than any that can possibly come from any other source. I should feel derelict in the performance of my duties to the people I represent if I did not now express to you their thanks and appreciation for the consideration which



you have shown them in all matters and the great public interest that you have manifested in the consummation of this great national project.

It has often been charged on the hustings and recently strongly suggested in speeches on the floor of this House that the States forming the late Confederacy were not fairly and justly dealt with in the matter of revenue by the Federal Government, and that they do not obtain the advantages in legislation that they are entitled to. This, no doubt, was true some years ago, but a careful examination of the statutes and the revenue receipts and disbursements will show that this condition no longer exists. When the Representatives from these States were more deeply interested in the discussion of party politics than in the material benefits to come to their people, the Representatives of the other sections of the country were looking after the material welfare of their States. For this reason in the sections that they represented rivers and harbors were opened up to the commerce of the country and public buildings were erected; but of late years by reason of continued service and experience of Representatives from the South consideration of partisan politics has largely yielded to the more sensible policy of conserving the interests of the people that they represent. The long period of time in which their interest was neglected was such that it will take many years to give to them the justice so long denied.

A review or partial analysis of revenue receipts and disbursements may be interesting in considering the suggestions made:

*Receipts, fiscal year 1911.*

Ordinary receipts:		
Customs	-----	\$314,497,071.24
Internal revenue	{ Ordinary	289,012,224.20
	{ Corporation tax	33,576,976.59
Public lands	-----	5,731,636.88
Miscellaneous from the departments, District of Columbia, bureaus, and so on	-----	58,614,466.08
Total ordinary receipts	-----	701,372,374.99
Public debt receipts, proceeds of Panama Canal bonds	-----	18,102,170.04
Public debt receipts, national-bank note fund	-----	40,232,555.00
Total receipts into the general fund	-----	759,707,100.03
Postal revenues	-----	237,879,823.60
Total receipts, including postal revenues	-----	997,586,923.63
<i>Customs duties collected in late Confederate States, fiscal year 1911.</i>		
Virginia	-----	\$904,638.18
North Carolina	-----	40,230.73
South Carolina	-----	43,336.05
Georgia	-----	181,939.26
Alabama	-----	87,786.04
Florida	-----	2,535,424.41
Mississippi	-----	15,450.33
Louisiana	-----	8,780,552.68
Texas	-----	1,533,440.35
Tennessee	-----	150,887.80
Total	-----	14,273,685.83

Arkansas has no port of entry. Arkansas is in the customs district of Louisiana, as is the State of Oklahoma and parts of other States.

The total customs receipts of the United States is \$314,497,071.24. Deducting \$14,273,685.83 paid by the States named above, being late Confederate States, the amount paid by the other States of the Union appears to be \$300,223,385.41.

*Fiscal year 1911.*

States.	Internal revenue.		Total by States.
	Ordinary.	Corporation tax.	
Virginia	\$7,618,279.96	\$586,317.16	\$8,204,597.12
North Carolina	7,168,028.41	109,925.89	7,277,954.30
South Carolina	126,161.98	58,270.65	184,432.63
Georgia	281,622.35	237,822.76	519,445.11
Florida	1,319,692.43	101,009.39	1,420,701.82
Alabama (Mississippi is a part of the revenue district of Alabama and included in the same).	102,753.89	213,477.61	316,231.50
Louisiana	4,630,345.31	205,890.94	4,836,236.25
Tennessee	2,240,517.09	193,082.04	2,433,599.13
Arkansas	108,817.43	70,501.05	179,318.48
Texas	900,250.24	471,215.82	1,377,466.06
Total	24,502,409.09	2,247,513.31	26,749,918.40

Total receipts of the United States from internal revenue: Ordinary, \$289,012,224.20; corporation, \$33,576,976.59; making a grand total of \$322,529,229.79. That is, the people of the late Confederate States pay \$26,749,918.40 of this tax, and the other States of the Union in the aggregate, \$295,780,211.39.

As shown, the receipts for the fiscal year ending June 30, 1911, into the general fund derived by the Government from customs, internal revenue (including corporation tax), sales of

public lands in each district and State, and from miscellaneous sources amounted to \$701,372,374.99. The receipts on account of public debt from sales of Panama Canal bonds was \$18,102,170.04, and from deposits for retirement of national-bank notes \$40,232,555, making a total revenue of \$759,707,100.03, exclusive of postal-revenue receipts. The disbursements for ordinary and extraordinary purposes, other than those of the Panama Canal and public debt, amount to \$654,137,997.89. The disbursements for the Panama Canal were \$37,063,515.33, and for public debt, retirement of national-bank notes, and miscellaneous redemptions, \$35,223,333.35, making a total disbursement, exclusive of postal receipts payable from the postal revenues, of \$726,424,849.57. The postal revenues amount to \$237,879,823.60, and the expenditures therefrom were \$237,060,705.48. The postal revenues are applied to the postal expenditures, and the receipts and expenditures are nearly even. The great cities of the country furnish the bulk of postal revenues.

The figures used are from the reports of the Treasury, Interior, and Post Office Departments.

Assuming that the people of the States furnish equally the postal revenues, and that the revenues derived from the departments and bureaus and sale of public lands are contributed equally by the people of the States in proportion to the population, we then have the apparent fact that in the late Confederate States there is collected ordinary revenue and corporation tax to the extent of \$26,749,918.40, and that in the same States there is collected customs duties to the extent of \$14,273,685.83, making a total of customs duties, internal revenue, and corporation tax collected in these States of \$41,022,704.23.

In the other States of the Union in the aggregate is collected ordinary internal revenue and corporation tax, \$295,780,211.39, and customs duties to the amount of \$300,223,385.41. It appears therefore that in these two combined sources of revenues that there is collected in the late Confederate States \$41,022,704.23, and in the other States \$596,003,597.80.

While this is a correct statement of the revenue received by the United States from customs duties, as to amounts collected in the States mentioned, it is only a statement of duties paid at the ports of entry in those States. It might ordinarily be assumed that duties paid in the State would be paid at the customhouses in the State, and all the Southern States mentioned except Arkansas have several customhouses; but it is not fair to do so in considering this revenue, because of the enormous amount of revenue paid at the port of New York and other large ports by the people of various States. It is impossible therefore to segregate these payments and know exactly what is paid by the people of one State at the ports of entry in another; yet, looking at the actual customs duties collected at the various ports, it is clear that the States named pay but a small proportion of these duties from the figures given, and it is true, as a matter of common knowledge, that there is not a very heavy trade in these States in imported goods. The customs duty, of course, is paid in the first place by the importer, but is paid ultimately by the consumer. It is not a direct tax on the people, and no part of it, of course, is paid out of the State treasuries. The internal revenue, except corporation tax, which is paid by the corporations, does not come out of the treasury of the States, nor is it a direct tax on the people. It is a tax on the privilege of manufacturing and selling tobacco, cigars, snuff, whisky, beer, wines, and all alcoholic liquors. This tax of course is paid in the first place by the manufacturers and dealers in these articles. It, however, is ultimately paid by those who consume these articles. It is impossible therefore to tell what proportion is used by consumers in one State made in another. Therefore, in making any estimate as to revenues and disbursements, it can only be done by a statement of Treasury figures, showing collections from the respective States; but assume that the people of the 11 States named pay as much in customs duties and internal revenue outside of their borders as they do within, or \$82,000,000 in round figures, instead of \$41,000,000, the disparity is still so great that the situation is not materially changed.

If instead of the Federal method of collecting taxes a direct tax was levied on the people and apportioned among the States in accordance with population, the late Confederate States would pay nearly one-fourth of the revenue necessary to be raised, as these States contain a little less than one-fourth of the population of the United States. The population of the United States is 91,972,266.

The population of these States, by States, is as follows:

Alabama	2,138,093
Arkansas	1,575,449
Florida	762,619
Georgia	2,609,121

Mississippi	1,797,114
Louisiana	1,656,388
Texas	3,896,542
North Carolina	2,206,287
South Carolina	1,515,400
Virginia	2,061,612
Tennessee	2,184,780
Total	22,393,414

It is to the advantage of the States named to assume that the people of these States pay equally with the other States moneys from postal revenues and from the sale of public lands and miscellaneous sources. Leaving these matters out of the calculation of revenues we have a total from customs duties and internal revenue and corporation tax of \$637,026,301.03, of which the States named pay \$41,022,705.23.

Nearly one-fourth of the customs and internal revenues should be paid, on the basis of population, by these States, or the sum of \$159,256,575.25. Deducting from this sum on account of the fraction in population these States have less than one-fourth of the total; they should pay about \$140,000,000. Instead of this payment, they actually pay \$41,022,705.23, or less than their pro rata share by \$99,000,000 in round numbers. It is clear that the amount contributed by these States is exhausted in the payment of their pro rata share of the ordinary expenses of the Government as administered through the various departments, and that it is probable that no part of the revenues they pay are ever applied to the payment of pensions, and but little, if any, to rivers and harbors appropriations or public buildings. Still, we find that there is applied in these States for the purpose of river and harbor improvement annually about \$8,000,000, and for parks, roads, public buildings, and so forth, some, \$3,700,000; pensions, \$12,489,667.21. The two tables following show the proportion between the States of these appropriations:

Appropriation for rivers and harbors.	
Virginia	\$907,700
North Carolina	126,500
South Carolina	189,000
Georgia and Alabama	995,035
Georgia and Florida	30,000
Florida	1,113,500
Florida and Alabama	5,000
Alabama	685,000
Alabama and Mississippi	20,000
Mississippi	654,500
Louisiana, Arkansas, and Texas	45,000
Texas	1,090,000
Arkansas and Louisiana	367,000
Arkansas	179,500
Tennessee and Alabama	1,755,000
Total	8,162,735

Amount of money paid out of the Treasury into the States for pensions.	
Alabama	\$596,445.74
Arkansas	1,642,605.59
Florida	815,836.77
Georgia	543,352.41
Louisiana	1,024,613.60
Mississippi	724,961.82
South Carolina	302,562.44
Tennessee	3,190,810.87
Texas	1,604,851.68
Virginia	1,489,553.80
North Carolina	654,072.49
Total	12,489,667.21

This Treasury statement would indicate that the States named do not suffer from the collection and disbursements of Federal revenue, and that their Representatives are awake to their necessities and rights as members of the Union. It may be interesting also to make some further comparison between the States. There is collected revenues as follows in States named:

States.	Internal revenues.	Customs.
Massachusetts	\$7,397,001.38	\$21,059,437.82
Connecticut	3,219,042.40	956,815.56
New York	44,475,463.90	209,314,092.46
Pennsylvania	27,606,300.04	21,495,769.90
New Jersey	9,776,823.33	738,463.21
Maryland	9,549,874.22	4,638,891.16
West Virginia	1,783,861.81	
Ohio	21,828,616.06	2,859,709.31
Indiana	31,133,384.24	438,381.52
Michigan	7,007,615.96	2,998,476.62
Illinois	53,514,408.18	10,867,695.78
Wisconsin	9,582,454.31	880,959.73
Minnesota	3,449,236.03	1,012,475.41
Iowa	1,267,955.37	93,847.00
Kansas	604,103.84	
Nebraska	2,771,682.65	127,848.12
Missouri	12,470,680.53	3,085,182.00
California	9,041,128.80	8,027,578.33
Kentucky	33,295,173.68	214,767.32
Total	289,774,866.73	291,810,391.25

In the 19 States named above the customs and internal revenue collected is \$581,585,257.98. To this add the \$41,022,705.23 collected in the Southern States named and the total is \$622,607,963.21. Deduct this amount from the total of all customs and revenues collected in the United States—that is, \$637,026,301.03—and we have a balance of \$14,419,337.82, which is paid by the other 18 States. These 18 States, it will be seen, pay about one-third of the amount paid in by the 11 States of the late Confederacy. It will be observed that the overwhelming bulk of the revenue from these sources comes from the 19 States named, and in these States will be found the overwhelming majority of persons entitled to pensions under the law. From this observation it seems that the States that furnished the Union soldiers are practically paying the pensions. It may be observed that the disparity in payment by States is very remarkable. The State of Alabama pays \$87,786.04 of customs. Mississippi pays \$15,450.33, a total of \$103,236.37. They pay in internal-revenue and corporation tax jointly \$316,231.50. Alabama draws in pensions \$596,445.74 and Mississippi \$724,961.82. In river and harbor improvements they jointly draw about \$1,360,000, and their proportionate share of public buildings.

There is collected in the State of Tennessee in customs \$150,887.80 and in internal-revenue and corporation tax \$2,433,599.13, making in all \$2,584,487.90. There is paid back into Tennessee from the United States Treasury in pensions the sum of \$3,190,810.87 and river and other improvements from \$500,000 to \$1,000,000 or more annually.

There is collected from Tennessee in revenues of all kinds about six times as much as from Alabama and Mississippi jointly. Kentucky, an adjoining State to Tennessee, and about the same size, pays about twelve times as much as Tennessee, and New York pays more than seven times as much as Kentucky.

South Carolina pays a little less than \$230,000 in revenue of all kinds. She receives in pensions \$302,000 and in other appropriations something over \$200,000, and yet she pays more than some of the Western States.

In view of these facts it may be regretted that so many Members from the Southern States felt it to be their duty to vote against an increase of pensions to soldiers for the most part residing in the territory that pays more than nine-tenths of all of the revenue of the United States, although the measure was introduced by a Democrat and reported by a Democratic committee and received the votes of a majority of the Democrats of the House, and is in line with the national platform of the Democratic Party. There is much misconception on revenues.

The remarkable statement has been made in debate in the other House and here that every man, woman, and child in the United States pays \$1.73 each annually toward the payment of pensions. This statement is based on the population and on the fact that in 1910 there were 91,000,000 of people, in round numbers, in the United States, and division is made on this basis of the pension appropriation for that year, and then the \$1.73 is multiplied by the number of persons in each State to secure the alleged amount paid by that State. For instance, Alabama's population was 2,138,093. On the basis that each person paid \$1.73, her contribution to pensions would be \$3,698,900.89. She received back in pensions \$596,445.74, and paid in excess of receipts \$3,102,455.15. And so the calculation has been made as to each State. This would be a very reasonable and sensible statement of the situation if the facts justified it.

As a matter of fact, however, Alabama paid in customs duties \$87,786.04, and in internal revenue and corporation tax she paid \$316,231.50, and this included Mississippi's part of the internal-revenue tax, because Alabama and Mississippi are one internal-revenue district, making a total of \$404,017.54 for Alabama, including Mississippi's internal-revenue collections. This is all the money that was collected in Alabama from all sources and paid into the Federal Treasury, as shown by the report of the Secretary of the Treasury of the United States, from which alone we can judge. The Treasurer's report does not show any such figures as \$3,698,900.89 paid in pensions or from all sources in Alabama. This is a fallacious calculation outside of official record, and based on the idea that people pay a per capita tax, or an assumption that it would be that amount if they did pay a per capita tax. As a matter of fact, there is no per capita tax collected in the United States, nor any other direct tax paid to the Federal Government.

If we were to follow up the same idea that is suggested here and apportion the whole of the billion of dollars collected and expended by the United States among the 91,000,000 people, it would show that every man, woman, and child in the United States contributes annually about \$11 per head to the support of the Federal Government. Of course, everybody knows that



this is not true. The Federal Government does not collect any per capita tax or any direct tax from anyone. The tax it collects is customs duties, internal revenue, and corporation tax, and the figures are given by the Treasury reports and show that the late Confederate States pay in about \$41,000,000 all told, and this is not collected from the States, does not come out of the State treasury, but is absolutely paid by the consumers of whisky, wines, tobacco, cigars, and snuff, and those who use imported goods. To assume what a State would pay if legal conditions existed that required such payment, is the position of those who advance these fallacious theories. The collected revenue shows exactly what it does pay, and it is useless to base supposed payments on facts that do not exist. We had as well admit the truth of the situation. We can go to our Treasury reports and get the exact figures. They are shown here. The folly of assuming that the Government collects a per capita tax is apparent. It does nothing of the sort, and, of course, the calculation falls, in view of the fact that the predicate upon which it is based has no existence.

It is in the power of the people of each State to practically control the amount of revenue contributed by them to the United States. If they are contented to use home-made or American goods instead of imported or foreign goods they would pay no customs duties. If contented not to use tobacco, cigars, liquor, wines, and beer, they would pay no internal revenue except the corporation tax. The internal revenue collected in the States under prohibition laws is largely reduced, but the revenues of the other States not under prohibition is increased, because these States ship liquor, beer, and so on, under the interstate-commerce provision of the Constitution into the dry States for consumption. If all of the States prohibited the sale and manufacture of alcoholic liquors there would be no internal revenue except from tobacco and the corporation tax, and the loss in Federal revenue would have to be made up otherwise. The people do not complain of the amount of revenue raised, but of the injustice of the operation of the method of raising customs revenue—which is the tariff imposed on articles manufactured abroad and imported into the United States—the system by which they are made to contribute untold millions of dollars to the manufacturers. The theory of the Republican Party that tariff taxes should be so high as to restrict, and prohibit in many instances, importations, and thus protect the home manufacturer from foreign competition in trade, must of necessity result in a great reduction in customs revenues, to the disadvantage of our Treasury, and enabling those engaged in any particular line of industry to establish a monopoly in that line by fixing the price of the particular article on the market. Under combinations by domestic manufacturers to control prices, competition among them ends, and foreign competition having been destroyed by law the consumer is left to the mercy of the protected manufacturer, and must pay from 200 to 1,000 per cent more for articles manufactured in the United States than he should pay under a legal status that does not protect such monopolies and trust combinations. The consumers—the people—pay these prices made possible by the laws of their country enacted against their interests by their own representatives. They do not make the payment to the United States; it does not get the benefit of the conditions, but they do pay it indirectly in enlarged prices paid for manufactured goods used, and the money goes to the manufacturer and not into our Treasury. This method of using the taxing power of Congress to enrich the few at the expense of the people is the just cause of complaint against the Republican system of taxation. The theory must of necessity bring distress to the masses because of the inequality and injustice of its operation.

The Democracy maintains that Congress has no moral right to use the taxing power to protect and enrich a few people as the result of a system to the detriment of the many; that taxation should be only for the purpose of raising a sufficient amount of revenue to administer the Government economically, and that oppression begins where that line is passed; that in the adjustment of tariff duties the burdens of taxation—if exact equality can not be obtained—should fall on the luxuries of life used by the wealthy, who are able to pay for them and who receive proportionate to their wealth protection from the Government, to the end that the smallest possible tax may fall on the necessities of life which all the people must have. [Applause on the Democratic side.] This great party to-day, as in the past, stands guard over the constitutional rights and liberties of the people. It not only demands reform in the method of tariff taxation, but in expenditures. It insists on the utmost efficiency in all of the departments of the Government and just remuneration for all services rendered by its employees, and for retrenchment and reform and economy in public affairs in its true sense,

which ever involves the advancement and progress of a great people and not mere reduction in appropriations.

It has stood against the arbitrary exercise of power by the Speaker of the House, and while divided in the House as to the method of accomplishing the same in the Sixty-first Congress, it was united on this question in the Sixty-second Congress and on the policy advocated by a small minority of the party in the Sixty-first Congress, and the rules that the minority fought for then are the rules of the House to-day, and destroy the arbitrary power of the Speaker and vindicate the wisdom of that minority view.

In pursuance to the national platform and the pledges of its representatives it has passed, a majority of the party casting their votes for the bill—a bill for an increase of pensions to Civil and Mexican War soldiers. Casting aside sickening sentimentality on that question, it has met and dealt with the stern facts, as only patriots can. Understanding the obligations of the Republic to the soldiers who preserved it, it grants to them in their hour of necessity an increase in pensions in proportion to the increased cost of living and to the length of service rendered. In doing so it makes it possible in the interest of economy to dispense with the expenditure annually of millions of dollars paid for examiners on the road, medical boards, and the expenses of agencies and rents and large numbers of employees and the further increase of pensions by special acts of Congress—in most cases—which have reached the enormous number of 35,987. It prevents the use of this great department for political purposes in close and doubtful districts and States in the North. While some of these considerations were persuasive, no secondary consideration determined the conduct of the Democratic House in passing this bill. It is due to the volunteer soldiers of the Union just as a similar bill is due to the surviving soldiers of the Confederacy by the people of the States they defended against the aggression of the Union Army. These burdens are the necessary incidents of the war between the States.

Mr. TRIBBLE. Mr. Chairman, may I ask the gentleman a question?

Mr. MOON of Tennessee. Not now. I want to get through with what I have to say. I am not making any objection to the views of anybody else, but, Mr. Chairman, I have believed it to be my duty, standing here not merely as a Representative from the particular district and section from which I come, but as a Representative in common with all others of the people of the United States, to meet this great question in a just way.

I have said that in view of the sources of the revenue, and in view of the fact that not one dollar of Federal tax is paid out of the State treasury of any State in this matter to the support of the United States, and in view of the fact that there is not a single dollar of Federal tax levied on and collected directly from any individual of this Union, in view of the fact that the bulk of our revenue rises either from corporation tax, customs duties, or on imported goods, from the internal revenue assessed on the sale of whisky, beer, tobacco, and wines, and that the consumers of these articles pay it, and not the treasuries of the States, that therefore I have felt it was a little out of order for me to complain that the Federal soldier is getting more pension than some people think he ought to have, when I have insisted on every stump in the district that I represent that he ought to have the fullest measure of compensation that a great and beneficent Government can give him. [Applause.]

I have declared that no government was worthy of existence that did not maintain its soldiery that defended its honor and preserved its integrity in the hour of peril. [Applause.] I have said, too, that in that great contest between the States, the greatest of modern times, a contest when most of us were but small children or were not born, in which the Union armies sought to protect and maintain the perpetuity of the greatest Government that ever lived, while the Confederate Army stood against Union aggression for the protection of constitutional liberty and the rights of States [applause], that it is immaterial what you think about that contest, whether you think one side was right or wrong, we are here as representatives of the whole people of the United States, and we must consider the question as only just men can consider a great national question. There should be no sectionalism on this question. While I would give the full measure of pensions to the Federal soldier, if it were in my power I would tax every State in the late Confederate States to give every old Confederate soldier who needed it a dollar a day, because under a faith that was as sacred as his religion he protected the Southern States against the invasion and aggressions of the Northern armies in the greatest contest for liberty that mankind ever saw. [Applause.]

I voted for increased pensions because in my heart I know it is right. [Applause.] Next, for political reasons, which are

only secondary, I gave that vote. The Democratic Party in its national platform declared for an increase or liberal pensions for the soldiers. The national Democracy knew what it was doing and meant what it said. A Democrat introduced that bill after a Democratic conference in this House. A Democratic committee reported it to this House, and a majority of the Democrats in this House voted for it; and so long as I have faith in the Democratic Party as affording the best principles and policies with which to maintain the honor and glory of my country I will, unless there be some just or moral reason to the contrary, stand by its organization on this floor. [Applause on the Democratic side.]

The Democracy has ever stood against the wicked policy of the Republican Party in attempting to subsidize railroads and ship companies. It gave to me—if I may be pardoned for mentioning it—the signal honor of leading the party in the House in the four great contests upon these questions, in which we were victorious notwithstanding the overwhelming Republican majorities in the House, perhaps the only instances in the last 14 years where the Republican Party was defeated on measures demanded and supported in the national platform. Thus the Treasury was saved \$40,000,000. The Democracy has opposed combinations and trusts and the exorbitant tariff bills known as the Dingley and Payne-Aldrich bills; government by commission and the multiplication of offices and officers to eat up the substance of the people; it opposed the Philippine policy of the Republican Party and useless extravagance in the establishment of colonies, in which policy enough money has been wasted to build all the locks and dams of the navigable rivers of the United States or to construct thousands of miles of highway across the continent; it has opposed giving away the people's money to expositions and foreign charities; it has opposed the increase in the salaries of high officials; it opposed the un-Democratic adjustment of Diplomatic and Consular Services by which chosen favorites serve the people in foreign lands; it opposed the encroachment and the arbitrary exercise of power by Federal courts.

It has maintained the freedom of the press and ever opposed the laws that would curtail its power; it has demanded an income-tax law, to the end that the wealth of the country may bear its proportionate part of the burdens of the Government that protects that wealth; it has supported pure-food laws, that the people of the States, under the interstate-commerce laws, may be protected against unwholesome food; it has favored amendments to the Constitution to elect Senators by direct vote of the people; it has favored railroad-regulation laws and enlargement of the powers of the Interstate Commerce Commission, that it might properly enforce its decrees in all cases of freight-rate discrimination; it has sought to protect the people against the greed of monopoly under any and every condition.

It favors appropriations for rivers and harbors, which can not, in my opinion, be made available to their full extent until the Government of the United States shall ultimately grant aid, in connection with States and counties, for the construction and building of great highways under the post-office and post-roads clause of the Constitution; it has favored the admission of the States of Oklahoma, Arizona, and New Mexico, now constituting a part of the Union; it favored a policy of conservation of Alaska; it has favored more stringent laws for the control of the trusts and corporations; it now, as ever, favors a tariff for revenue only; it favored the farmers' free list and reciprocity and the reduction of revenues on schedule K, and the reduction of all the tariff schedules to a revenue basis for the purpose of suppressing monopolies; it favors an efficient Navy and a small but efficient Army; it opposed the establishment of postal savings banks as unnecessary and as entailing untold cost on the people and as a forerunner of a great central national bank in the control of the money powers, spending our currency at will against the interest of the laboring man and the man of small property; it has favored a reasonable and just parcel-post law; it favors a law prohibiting gambling in farm products and to further restrict undesirable immigration; it has ever been the friend of labor; it opposed the repeal of the eight-hour law on the Isthmus of Panama; it opposed the anti-compulsory pilotage bill; it favored hours of service bill for railway employees; it opposed the ship-subsidy bill, including conscript provision of seamen; it favored the employers' liability bill, affecting employees on railways engaged in interstate commerce; it favored the child-labor bill for the District of Columbia; it opposed the repeal of the employers' liability bill enacted by the Legislature of New Mexico when a Territory; it opposed compulsory investigation of labor disputes; it has favored the payment of just war claims against the Government; it has ever favored the proper exercise by each of the coordinate branches of the Government of the functions that belong to

them under the Constitution and has opposed the encroachment of the one upon the other. Her Representatives have held firmly to the doctrine that a Representative in Congress is not merely a Representative of the district he represents, but is a Representative of the whole people of the United States. That while it is their duty to look after their local interests, it is always their duty to see that a national interest is blended with their local interest for which they ask an appropriation, and that in dealing with great public questions and in the distribution of public revenue no sectional lines should control. It is immaterial from whence the revenue is collected; it must be used in the promotion of the public interest for the Republic as a unit.

Believing in the preservation of the rights of the States under the Constitution, Democracy also believes in the preservation and the exercise of the rights of the Federal Government guaranteed by the Constitution, to the end that both Federal and State Governments may move in their respective orbits and accomplish the purposes in the interest of the people for which these governments were inaugurated.

The Democratic Party has stood against the doctrine of imperialism in this country, a question that is scarcely an issue now, but which is ever a blot upon the fair name of the Republic; the colonization of alien people and the maintenance of power and authority over people who are unwilling to yield to that power. We may forgive the sins of imperial power, but as long as we shall live it will glitter in our eyes to remind us of our treason to our Constitution and to our Republic. [Applause on the Democratic side.]

Mr. GARRETT. Mr. Chairman, will the gentleman permit me? The CHAIRMAN. Does the gentleman from Tennessee yield to his colleague?

Mr. MOON of Tennessee. I will yield to the gentleman from Tennessee.

Mr. GARRETT. There has been reported from the Committee on Insular Affairs a bill providing for Philippine independence, which we expect to take up and pass at this session.

Mr. MOON of Tennessee. I was not aware of it, but I thank my friend and colleague for the suggestion. I had hoped that when the Democratic Party came into power in this House it would offer some measure that still would tell of its love of freedom, of its hope of liberty at last for all mankind.

The strength of a republican form of government is in the proper diffusion of its powers and the separation and independence of its coordinate branches, yet making each in a measure a check on the power of the other under a constitution ordained by the people. The stability of a republic depends on the liberal participation in its affairs by the people. The stability of a monarchy depends upon the centralization of its powers and the absence of popular control. Despotism is the child of monarchy, liberty the offspring of the republic. Monarchy survives by force; the republic by the patriotism and the enlightenment of its people. The United States is only a semirepublic. It elects but one class of all of its officers—the Representatives in Congress—by the direct ballot of the people. Wisdom would dictate closer relations of the people with our Central Government. The trial of our institutions demonstrates the capacity of the people for complete government, and we have lived long enough half monarchy and half republic. Let the people choose the President, the Senators, the district marshals, collectors of revenue, district attorneys, and postmasters by direct vote at the ballot box as State officials are chosen. We need more democracy infused into the Federal Constitution and the liberalization of its provisions in behalf of the people. The nations of the earth are progressing; they are breaking the chains that bind them to thrones and asserting the right of man to determine his own destiny. Despotism Turkey and Russia have yielded to a constitution and the Celestial Kingdom is giving death to the Imperial Dragon that for centuries has poisoned the liberties of her people. Mankind is demanding the assertion of the rights of man everywhere.

Mr. Chairman, while I am ever a partisan, while I do believe profoundly in the principles and policies of the Democratic Party generally, there have been, and I suppose there always will be, times when my judgment, whether sound or not, will not be in exact accord with that of many of my party associates. I would feel that I was a slave to party and not a free man if I could not think in the interest of my country before I thought in the interest of my party. [Applause.] Let us rejoice to see the principles of Democracy spreading over the earth; I do not mean a partisan Democracy, but that great democratic thought that makes the world restless to-day; that great innate force for good that has actuated men in all the ages—the love of freedom, the love of justice; that love that finds for its habitat no particular section, but lives the world



over; that great spirit of democracy that whispered words of hope into the ears of men before Aaron was a priest, Moses a prophet, or David a king—ever seeking justice, ever standing for the right—that spirit that survived the chariot wheels of the pagan warrior, the battle-axe of the Romans, the inquisition of the Spaniards, and the cannons of Great Britain; that spirit that has lived to kindle the fires on every altar erected to human liberty, that has opened the doors of every temple, where men worship their Creator in obedience to their own consciences; that has loosened the shackles of slaves and placed the crown on the brows of the martyrs to truth; that catches the humble boy by the hand and leads him into the path of rectitude and bids him follow it as the only open way to the pinnacles of immortal fame.

That spirit, standing under the shadow of the cross, that has echoed the divine proclamation for 2,000 years of "Peace on earth and good will to men"; that directed the hand that wrote the Declaration of Independence and hovered over the cradle of the Republic, may it live until every kingdom shall fall and every empire shall be dissolved, that government in obedience to the will of the governed may arise upon their ruins. Then the nations shall know that it was not the hand of man, but the fingers of God that fixed the stars on the flag of the Republic to light the path of liberty through all the ages to come. [Prolonged applause.]

Mr. WEEKS. It is not my purpose, Mr. Chairman, at this time to engage in a discussion of the details of this bill, or even to refer to the political differences which the chairman of the committee has suggested in the admirable speech which he has just made.

The fact that he has suggested political differences might lead members of this Committee of the Whole to conclude that there are political differences in the making up of a post-office appropriation bill. Such is not the case. Since I have been connected with the Post Office Committee there has been no politics in the manner of making up the appropriation bills providing for this great service.

And it is well for the members of the Committee of the Whole to be reminded that the volume of business conducted by the Post Office Department is probably the largest business conducted by any organization in the world. Certainly it is larger than that conducted by any corporation in the United States. And this bill which the House now has under consideration is the largest appropriation bill that has even been passed by the American Congress.

It has been a pleasure to me, as a member of the committee, to feel that in making up this bill there have been no political differences; and as a minority member, having unqualified confidence in the patriotism, the mental integrity, and great knowledge of the details of this service which the chairman has, it has been a great pleasure to me to work with him in making up the most economical bill possible.

Later on I may make some comments about the details of the bill, but now I yield one hour to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] is recognized for one hour.

Mr. MONDELL. Mr. Chairman, it is somewhat embarrassing to follow the exceedingly beautiful tribute to the principles of nonpartisan Democracy and the eloquent and patriotic peroration of the gentleman from Tennessee [Mr. MOON] with the discussion of a prosaic subject. And yet the subject I propose to discuss has to do with the great principles of democracy. Those principles are founded on the recognition of the fundamental rights of men.

Starting with the proposition that all men are created free and equal and endowed by their Creator with certain inalienable rights, we proceed to lay down rules to govern the conduct of men, to the end that they may be secure in the enjoyment of equality and right. These rules have to do, among other things, with the use and enjoyment of property.

One of the rules laid down in this country at the beginning was that men should acquire property rights in real estate in fee simple, that it should begin at the stars and end in the center of the earth, and that when a man had acquired the right to landed property that right should be secure in all respects, not to be affected in any way in value except by due process of law.

In recent years there has been much agitation for a departure from our past public-land policy with regard to titles in real estate, and some people have assumed that this was a relatively unimportant and simple matter to be settled by a line or two of law here or there, and while from their standpoint its effect would be beneficial, they seem never to have realized the effect would be very far-reaching. Any such view or opinion must

necessarily arise from a lack of investigation or consideration of the problems involved.

I do not want to suggest here that we of the West are disturbed to an unwarranted degree touching our position as citizens of the Union. And yet, whether an American citizen lives in New York or Wyoming, in Colorado or Massachusetts, in Arkansas or Virginia, he has the right under the Constitution to occupy the same position in relation to the Federal Government as the citizen of any other State. He has the right to demand that whatever may be the laws that affect the citizen in his relations with his Government shall apply alike to all.

Furthermore, the newer States having come into the Union on an equality with their sister States, have the right to demand that their permanent relations with the Federal Government shall be in all respects the same as that of the older States.

The Supreme Court held in 1845, in the case of Pollard's Lessee v. Hagan, that the United States had no municipal sovereignty, jurisdiction, or right of soil except for temporary purposes and to execute the trust which it held for the States and for their people.

The permanent reservation by the Federal Government of a portion of the fee or title to lands it disposes of, creates a condition affecting both the citizen of the State and the State itself not consistent with the trust by which the Government holds public lands and tending to profoundly affect both the individual citizen and the State in their relations with the Federal Government and in a manner which deprives them of that equality to which the State and the individual is entitled under the Constitution.

The Federal Government and the States have passed title to the lands belonging to them east of the Mississippi River and to a very considerable portion of the lands lying west. These lands have all passed by titles in fee simple, conveying all that there was in the land of whatever kind or character. Without regard to the character of the law under which title has passed, when it has passed it has become a title in fee. Lands acquired under agricultural laws are not, of course, supposed to contain mineral, but if later found to contain mineral then it belongs to the owner of the land. Lands acquired under mineral laws have not generally been valuable for agricultural purposes, and yet if they are so valuable they can be used for agricultural purposes. Since the enactment of our mineral laws our rule has been one of separation of mineral from agricultural lands in the disposition of the lands.

#### OUR LAND POLICY.

At the beginning coal was not considered a mineral in the sense that took it out of the agricultural category, and so the coal lands east of the Mississippi River and some of those of the country west passed into private hands under agricultural title. But with the enactment of the coal law in the seventies coal lands came to be recognized as nonagricultural, and not enterable under the agricultural land laws. With the passage of the mineral statutes in the sixties we first clearly distinguished between metalliferous mineral lands and agricultural lands. At the beginning of this separation of lands into classes we were not over careful in examining lands before title passed, and it is true that some mineral land, or lands containing some mineral, passed into private ownership under agricultural title; but that has certainly not been the case in the last 10 or 20 years. The general character of the public domain as to mineral and nonmineral is now well known by our people and the officials of the Government are well informed as to the character—mineral or nonmineral—of most of our public lands, so that it is the rare exception for an entryman to initiate an agricultural title to land valuable for minerals.

All public coal lands have been so designated, and in order to be on the safe side very large areas of land containing coal of a character now valueless, or at such a depth that it can not now be worked, or in veins so thin as not to be workable, and other lands where only geological surmise suggests the presence of coal are all included in coal withdrawals. So that it is impossible at this time to acquire coal lands under an agricultural title unless they be acquired under the law which authorizes the taking of such lands, reserving the coal to the Government. So it is with the oil lands, with the phosphate lands, and so forth.

The gold and silver and metalliferous bearing lands are located in the mountains and hilly regions of the country; their location is fairly well understood, and no one undertakes to make an agricultural entry of them. And so we have been going on for many years. This rule of separating lands into classes provides for the entry of nonmineral lands under various laws, homestead entries, desert entries, timber and stone entries, isolated-tract entries, and so forth; the entries of the metalliferous minerals under the placer and lode acts, the coal under

the coal law, and so forth; but when the title has once passed the owner becomes the proprietor of all that the land may contain. The homesteader is first subject to the general supervision of the Land Office and subject to private contest during the period which he lives on the land before he can make proof. Thereafter, for six years, the Government may contest his title if in the opinion of anyone he has knowingly attempted to acquire mineral land under an agricultural title. All this thoroughly protects our mineral lands against agricultural entries.

It can be said without fear of successful contradiction that under this system the per cent of our lands which pass to patent under agricultural laws, which subsequently are found to contain mineral, is very small. On the other hand, the entryman acquiring land under mineral laws acquires all there is in the land. He may acquire lands under the coal-land law and subsequently the lands may be found to contain oil or gas. A man may acquire, as they did in the early days, in Leadville, lands that were valuable for silver, and later dig from those lands vast wealth successively in gold and in lead and in zinc. Whatever the land contains, once the title passes to him, is his.

Now, it is proposed to modify this rule. Of course those who propose the modification do not understand how profound a change in our system this involves. Never having considered the matter carefully and thoroughly and fundamentally, it all seems very simple to them and as something that ought to be done.

They say:

Why, the farmer seeks land of the Government for a farm. He swears that it contains no mineral and he seeks no mineral. Why should he have any? Why not simply say that if at any time in the future mineral should be found it shall belong not to him but to some one to whom the Government may give the right to prospect for, mine, and extract it?

NOT SO SIMPLE AS IT SEEMS.

It seems very simple to these gentlemen. Let us see what the proposition is. We had before us the other day a bill reducing the homestead period from five to three years—that is, the homesteader to-day on the public domain may make proof and secure title at the end of five years; he must within seven years. The new law provides that he may prove up at the end of three years; he must within five. So the period is reduced two years, and certain gentlemen imagine that this is so great a boon granted or to be granted to the homesteaders of the West that those who are interested in those homesteaders and anxious to help them and to see the country developed would be willing to accept any sort of limitations placed upon the title which might thus pass. As one of those profoundly interested in seeing that western country developed and anxious to further assist in that development, I am constrained to say that I consider it more important that when the western homesteader shall receive his title he shall receive a title that is of real value than that he shall receive it a trifle sooner than now. It is more important to him that when he acquires his little home he shall be the monarch of it, shall have control of it, shall own it, than that he shall have it handed to him as an empty husk of but little value a year or so sooner than he would under the present law. When the three-year homestead bill was before the House the other day, the gentleman from Nebraska [Mr. NORRIS] proposed to recommit with an amendment, as follows:

I move to recommit the bill to the Committee on the Public Lands, with instructions to said committee to forthwith report the same back to the House amended as follows: Insert, after line 2, page 3, the following: "No entry for a homestead or a patent, issued on the same, shall convey any right to salt, potash, coal, petroleum, natural gas, gold, silver, copper, iron, or other mineral within or under the land conveyed by the patent, or any exclusive or other property or interest in, or any exclusive right or privilege with respect to any lake, river, spring, stream, or other body of water within or bordering on or passing through the land covered by the entry."

As the gentleman from Alaska [Mr. WICKERSHAM] has just suggested, the homesteader would not have much left if such an amendment were agreed to. I said to a gentleman who favored this amendment, "What is it you propose? Do you propose to wipe out the distinction between mineral and nonmineral lands? Do you intend by this amendment to say to all homesteaders that there is no longer a distinction between mineral and nonmineral lands, and that you may now go on any lands, no matter how valuable they may be for mineral, and plant yourself there as a homesteader?" He said, "Certainly not." I said, "What is it you propose to gain?" "Oh," he said, "you folks out there have been criticizing the Interior Department for years because they have been delaying the issuance of patents. I am told they have been delaying the issuance of patents partly because of the examinations conceived to be necessary in order to make sure that the land covered by an entry is nonmineral—contains no mineral." Of course that is a mistaken idea in the main. Few of the delays in the issuance of public-land patents have been based on

any necessary inquiry or investigation touching the question of minerals, but most of them have had to do with a variety of other matters, and unless we wipe out the distinction between mineral and nonmineral lands and invite the homestead settler and the desert entrymen and the timber and stone entrymen and the purchaser under isolated tract laws onto all lands, mineral and nonmineral alike, we shall not by any such amendment dispense with the service of a single, solitary Federal agent.

So long as we maintain the distinction between those two classes of lands there must of necessity be reasonable scrutiny and investigation to make quite certain that the agricultural entryman is neither intentionally nor unintentionally acquiring under his agricultural patent lands known to be valuable for minerals. Those who have approved the amendment to which I have called attention, whom I have asked if they proposed to wipe out the distinction between mineral and nonmineral lands, have said that would not do. Those who are informed on the subject have suggested that to do that would invite all sorts of fraud, would subject the homesteader to the temptation of attempting to secure a partial estate in certain classes of mineral lands in the hope that the title thus acquired would be valuable in other ways than as a home and a farm. So it is not proposed to wipe out the distinction, and therefore all of the arguments that will be sent broadcast over the western country to persuade people to favor these limited patents, all the statements which will be made to our people in order to get them to favor the acceptance by their Representatives of limited patents on the theory that there will be no more harassing delays, have no foundation in fact.

There never has been any necessity for many of the harassing delays from which our land entrymen have suffered, there would be no less excuse for them after the mineral was reserved than now. Assuming that it were wise to write into the land laws this nonmineral provision, why write it into a homestead law? Have we reached a point where we want to deny the homesteader, the farmer, the title we grant to the entryman under the desert-land law, under the Carey Act, which is granted to him who buys his land at public auction, who acquires his land from Indians, who secures his land in the numerous methods other than homesteading under which nonmineral lands are acquired? Has it come to this that we are so fearful that the farmer, the homesteader, shall acquire something not visible on the surface that we must withhold from him the possibility of a complete title which we grant to others? Assuming that it were wise to do it, what I have said simply emphasizes the fact that a homestead law is not the place to write the monarchical theory that the mineral belongs to the Crown.

Mr. LAFFERTY. Will the gentleman yield?

Mr. MONDELL. I do.

Mr. LAFFERTY. I would like to have the gentleman explain, if he will, what effect these reservations would have upon the owner of the land so far as it would work out in a practical way?

Mr. MONDELL. That is just what I was coming to. Of course, the gentlemen who are so free in offering these reservations have not studied the matter sufficiently to realize that they could not be placed upon the statute books without an elaborate and carefully digested set of provisions with respect to the right retained by the Government. That, in the first place, as a legal proposition you must retain the right to re-enter and that under that right retained you must work out a system under which the Government or its agents or its lessees may go upon those lands, what their rights would be, the conditions under which they may go upon them, and what shall be their rights when they do go upon them. Let us assume that this amendment becomes the law, just as it was proposed the other day, and a tract of 160 acres of land containing no sort of mineral, so far as anybody knows or is able to guess, should pass into the hands of a homesteader, and then in the course of years into the hands of his children and his children's children, and 10 or 20 or 50 or 100 years from now some one should want to dig or to drill upon this land in the hope of finding oil, gas, salt, hot water, limestone, fuller's earth, or clay. What would happen? Let us say that the first man who came along concluded that he would like to drill for oil. Suppose we should have a law—of course not under this amendment, because they have not even reserved the right of reentry, and the amendment proposed would therefore be practically ineffectual—but assuming that it was written so that it meant something, that it asserted the right of reentry and provided that a bond should be furnished by the lessee or prospector and he secured the right to prospect for oil—

Mr. LAFFERTY. Will the gentleman yield right there?

Mr. MONDELL. Yes.



Mr. LAFFERTY. Would not this prospector, even 50 years after a patent was granted and an orchard was growing over the entire homestead, claim the right to an easement to go into that orchard and dig for oil, dig for coal, and any other form of minerals that he might claim was underneath the surface, and harass the owner in that way?

Mr. MONDELL. That would altogether depend upon what you write into your statute. If you did not write anything into the statute more than proposed by this amendment, the Lord only knows what he would claim and the Lord alone could tell what would occur; but if we did write into the statute—if we are going to do this thing, we ought to do it in a way to make it effective, in a way so it is understandable; if we did do it, and the party was to secure the right, whatever that right was, to bore for oil, and did bore for oil, what would his right be in the estate? Would he then claim to be the owner of the residue of the estate which the Government withheld? If not, and another party proposed to bore for gas, what would his rights be as compared with the man who bores for oil or the original claimant under this proposed squatter title?

Mr. SLOAN. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. SLOAN. Could not you trust the Government, with its right of eminent domain and condemnation and entryway, in that case to do justice to the owner of that land where the minerals had been reserved?

Mr. MONDELL. You could not trust anyone to do justice where you had provided a condition under which justice was impossible. If the gentleman will listen to me for a moment, I think I can convince him it will be impossible.

Mr. SLOAN. It will be a pleasure for fifteen minutes on that proposition.

Mr. MONDELL. If the second claimant desired to bore for gas, what would his rights be as against the owner of the husk of the estate, as against the owner of the right to bore for oil? And if in the drilling operations neither should find oil or gas, but should strike salt, then what would be their rights in the premises as compared with that of the squatter owner? What would the man who received the patent have? What would he own? Could he dig a well? And if so, could he take clay from the bottom of it with which to chink his barn, without by so doing being amenable to the law for having used a mineral upon his land? Could he sink an artesian well? And if so, how deep? And, as water is a mineral, what would be his right to the mineral after he found it? And if it were hot and mineralized, then who would own it, the Government or the man who owned the surface? And if he struck a cavern, with some few stalagmites and stalactites, whom would they belong to and who would own the hole in the ground in which they were found? How many estates is it proposed to have and create on one small piece of ground?

How many different conflicting estates is it proposed to establish upon the farm of the homesteader, and would the time ever come that anybody would ever have a title to any part of that estate of which they would be confident and in which they could be secure?

Mr. LAFFERTY. Will the gentleman yield for one more question?

Mr. MONDELL. I will be glad to do so.

Mr. LAFFERTY. Is it not true that under this provision that after the owner of the homestead has built a house, say, worth \$40,000, the mineral that might be under the house having been reserved, that the Government, or those who claimed under the Government, might seek to mine it, and could compel him to move his house in order that they might seek or remove that mineral?

Mr. MONDELL. If the amendment means anything at all, of course it means that.

Mr. LAFFERTY. Is not that a certain implication?

Mr. MONDELL. I think so. Otherwise the courts would say that Congress did a senseless and a useless thing. If we are going to do this thing, we would have to have legislation in detail as to all these questions.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. TAYLOR of Colorado. I want to ask if it is not true that the proposed limitation on the titles of public lands, which are now sought to be placed in these bills by the Department of the Interior, would be a constant cloud on the title and a menace and a nuisance in conveyance, and be liable to create a multiplicity of suits for years to come between the owners and the occupiers or transferees of the property?

Mr. MONDELL. They not only would be liable to, but they would be absolutely certain to. It would be impossible to avoid it. It was suggested the other day that while we should not wipe out the distinction between mineral and nonmineral

land, it would not be as necessary as it is now to be absolutely certain that land passing under nonmineral title is free from mineral or minerals of value. If we should have that sort of a policy, then the sort of thing that the gentleman from Colorado [Mr. TAYLOR] has suggested would multiply infinitely. But they say, "You gentlemen have already done this very thing. Why do you protest against something which you have yourselves proposed and brought about?" Of course, a man who propounds that sort of a question simply exposes his ignorance of the whole subject.

Mr. BURKE of South Dakota. Can the gentleman give us any information as to what, if any, extent valuable mineral has been discovered on land to which the title has been acquired under the homestead laws during all the time that the homestead laws have been in force?

Mr. MONDELL. Practically none in recent years; and if I do not touch on that later I hope the gentleman will call my attention to it, for I want to refer to it. Our conservation friends say to us, You have done what we now propose, in the case of coal lands. Let us analyze for a moment what we have done as to coal lands, lands known or believed to contain coal. Coal of one sort or another is found over vast areas of the public domain. We have probably some 30,000,000 or 40,000,000 acres in the public domain of the United States that contain coal of some kind, a large portion of it of no present value, a considerable portion of which may never be workable.

But still it is coal land, its general location is known, and all has been withdrawn; a large amount classified. The distinction being maintained between coal or mineral lands and agricultural lands, it was impossible to use the lands which are of value for agricultural purposes and of no present value for coal.

What did we do in those cases? Still maintaining the distinction between the two classes of land, we provided that if a man desired, with full knowledge of the situation, to go upon such lands and secure such title as was provided, he could do so. He goes upon the lands knowing them to be coal lands, and he files upon them under the nonmineral-land laws, waiving the right to what? To the body of the coal, to nothing below it, and to nothing above it, neither to the sandstone roof nor the clay floor; the Government retains title to nothing in the way of mineral except the coal deposit; the owner of the patent has an absolute fee to everything in that land saving alone the body of that one mineral.

There is no conflict there. Each man's right is as clear and well defined as it is possible to make a right in property. There is, in fact, no division of the estate, rather the reservation of the body of a deposit of known character and generally of known location. In such a case there is no difficulty in providing the terms and conditions under which the known reserved mineral may be taken. Such legislation has no relationship whatever to the blanket reservation of all minerals.

Mr. TAYLOR of Colorado. Mr. Chairman, I hope the gentleman will refer to the water reservation before he gets through.

Mr. MONDELL. Yes; I will in one moment.

Now, as to the suggestion of the gentleman from South Dakota [Mr. BURKE] as to what extent mineral lands have passed under agricultural titles, there was a time when we paid no attention to coal lands, and all of the coal of the Virginias and Tennessee and of Illinois and Indiana and eastern Kansas passed under agricultural titles. I have never been able to find out who suffered thereby.

To me it is not a thing to be greatly regretted that an Illinois farmer owns some coal. I do not understand how anybody is injured by reason of that fact. But we departed from that policy long ago, and for years no man has been able to acquire land that has any coal on it under the agricultural-land laws. The Secretary of the Interior will assure you of that, and all the people in his office will assure you of it; and not only that, but they have kept on the safe side, and have called coal land much land which will never be worked for coal.

There was a time when iron was not considered of especial value and when some lands known to contain iron, in Minnesota and Wisconsin and Michigan, passed under agricultural titles. But no man secures any title to iron lands in these days unless he complies with all the provisions of the placer act. I give it as my belief that in the past 15 years there has not passed into private ownership under the agricultural-land laws an amount of lands containing mineral of any value that need worry anyone. Admit, for the sake of argument, that it should occur that here and there lands should pass into the hands of the homesteader on which in after years deep drilling should discover oil or gas or salt, deep shafting should find valuable clays or fuller's earth, or in still rarer cases in our mountains deep mining might develop the metalliferous minerals. Who under

heaven is going to be harmed, and who under the flag is going to be benefited, if in that event some Federal agent must be called in and some one must put up a bond and the owner of the surface must be injured in his property to the end that the Government may receive a miserable pittance in the form of a lease? In the very nature of things the cost of such administration would be five, ten, a hundred times more than all of its returns.

It has been suggested that as but few tracts patented under the homestead law are likely to be found, at any time in the future, to contain mineral, the majority of entrymen will not be affected one way or another, by a reservation of the mineral, and therefore should not object to such reservation.

This strikes me as being very curious reasoning. Why should the titles of tens and hundreds of thousands of homesteaders be limited and abridged to their certain disadvantage and possible considerable loss in order that the National Government, like a miserly and avaricious landlord, may retain control over a dab of mineral that may be found on one tract out of a thousand years or centuries after the title has passed?

It is the part of wisdom for us to adhere to our time-honored system. They say that Canada has adopted a new system. I do not pretend to know why or when or how, but I do know that if it is what is proposed in this amendment it will not work in Canada any more than it would work with us. There certainly is no reason on earth why such a system should be adopted here. It will be beneficial to no man unless to some Government lease agent. It will work hardship on the man who owns the land, and in the long run be beneficial to nobody.

We should maintain the distinction we have always maintained between mineral and agricultural lands; but when title passes, whoever secures the title should own what is contained in the land. There would be just as much sense in saying that a man who secures the title to 160 acres of land under the placer acts, because the land is valuable for gypsum or limestone, should not have the right to plow and raise wheat upon it if there be any part of it that is of a character permitting that to be done.

Should we withhold from a man who secures under the mineral-lode law land valuable for silver, the copper or the gold that might be found on his claims? And would you say that the man who, under the lode law, secures title to a mineral lode should not have the right, he or his successors a hundred years afterwards, to drill on the land and have the benefit of whatever he might find? It seems to me that this talk of the separation of our lands into numerous estates is based upon a misconception of what it would lead to or a misunderstanding of what is proposed, and certainly a failure to realize the endless confusions which would result.

#### RESERVING RIGHTS IN WATER.

Another provision of this amendment relates to water. It provides:

Or any exclusive or other property or interest in, or any exclusive right or privilege with respect to any lake, river, spring, stream, or other body of water within or bordering on or passing through the land covered by the entry.

The Federal Government is a landed proprietor, holding the public lands in trust for their disposition. With regard to its lands it has the same rights in water that any other proprietor has. In the States where the common-law doctrine of riparian rights applies the Federal Government, as a landowner, owns the springs upon its lands and the right to have the waters of the streams that flow through its lands flow undiminished in volume and unaffected in quality. This is not a right arising out of national sovereignty, but appertaining as a landowner. In those States beyond the Mississippi, where the State has exercised its unquestioned right to modify or abrogate the rule of riparian rights in the waters of nonnavigable streams, the States have asserted or adopted the law of appropriation. The constitution of the State which I have the honor to represent provides that the waters of the State belong to the people of the State, and no one can acquire any right to the use of water except through an orderly procedure and process of acquisition under law.

Mr. SLOAN. If your State reserves the water rights, why should not our Government, with equal right and propriety, reserve its mineral rights?

Mr. MONDELL. The question the gentleman asks is so broad, and the two things are so utterly dissimilar—

Mr. SLOAN. You are discussing them both.

Mr. MONDELL. I am discussing them both, but the gentleman says if my State reserves the water, why should not the Federal Government reserve the mineral. The gentleman from Nebraska is a good lawyer. He knows how wide is the difference between the character of the sovereignty of the Federal

Government and the sovereignty of the people within the States. The gentleman knows that this is a National Government of limited granted powers, and that the residue of the sovereignty of the American people abides in them and in their Commonwealths.

The gentlemen will realize that there is no analogy whatever between the proposition which contemplates the withholding by a proprietor in passing title of an interest in the estate, and the retention by the sovereign people of control over the use of an essential appurtenance to the estate. In the one case an attempt is made to perpetuate a permanent landlordism by a proprietor, which, though sovereign in certain respects, has no police powers, for the purpose of ultimately securing valuable returns for the thing retained. In the other case the State representing the complete police power and sovereignty of the people, maintains control over a valuable adjunct or appurtenance, not with a view of securing returns, but for the purpose of defending the citizen in the right of user he acquires. I do not understand how the gentleman can recognize any similarity or relation between the two propositions.

Mr. TAYLOR of Colorado. Will the gentleman permit a suggestion in answer to the question of the gentleman from Nebraska?

Mr. MONDELL. Certainly.

Mr. TAYLOR of Colorado. The water was reserved to the arid States because it was absolutely necessary to make their land worth anything and for the purpose of building up that western country. If we had not had the water controlled for use, all of the lands would have been worthless, and our States never would have been what they are to-day.

Mr. MONDELL. Of course, as the gentleman from Colorado knows, the Western States had the right to apply the law of riparian ownership or the law of appropriation. Under their condition the rule of public control and private appropriation was necessary. By reason of the necessities of aridity we apply the world-wide law of appropriation, the law which prevails nearly all over the earth, except in the British Isles and in portions of the eastern half of the United States—the old Roman law, the law on which ancient civilization was built, and the only law under which irrigation systems can flourish.

The Congress of the United States has no more right to say that that water shall be given or withheld than it has power to determine that the bow of promise shall or shall not span the heavens after the rain.

What authority has the United States Government, in parting with the title to its lands, to reserve riparian rights in water? Who ever heard anywhere—and I propound this as a layman to you lawyers—that a riparian owner could part with the title to his land and retain his riparian rights? If any such doctrine was ever proposed outside of a madhouse, until this amendment, I never heard of it. What is a riparian right? It is a right appurtenant to the land. Whence comes it? It comes from ownership of the land. Whose is it? It is the property of the man that owns the land, as a right inseparable from the land. It is appurtenant to and a part of the real estate. The Federal Government is proposing to pass a law under which it shall say to the States, "I will part with the title to my land as owner, but I will reserve whatever riparian rights are appurtenant thereto." It is absurd and ridiculous beyond words.

The Federal Government owns no water anywhere. It controls navigable streams—nothing more. So far as actually reserving any water, the amendment would not be effective. It would not cut any figure. The Federal Government has nothing to reserve. The people have reserved the control of water; it belongs to them, and no man acquires a property right in it and no right to it, except the right of use.

Let us analyze the water amendment and see what is actually proposed and what its effect would be. It provides:

No entry for a homestead or a patent issued on the same shall convey any right . . . or any exclusive or other property or interest in or any exclusive right or privilege with respect to any lake, river, spring, stream, or other body of water within or bordering on or passing through the land covered by the entry.

I think I have made it clear, if it was not already clear, in the minds of those having knowledge of the subject, that the National Government in parting with title to land can not retain any riparian rights. Whoever owns land has whatever rights such riparian ownership carries under the State laws or under the common law. In the arid States no riparian rights attach to land, therefore the Federal Government has no rights in non-navigable waters in those States, riparian or otherwise. It might be urged, therefore, that so far as the arid States are concerned the statute would be ineffective and harmless. So far as reserving something the Government does not own, it would be ineffective, but infinitely harmful, nevertheless, as I shall attempt to show a little later.



## HOW IT WOULD AFFECT THE HOMESTEADER.

Some people whose imaginations have been stirred over alleged dangers of water-power monopoly have no doubt imagined that this reservation was intended to, or would, ward off such dangers; such may have been the purpose; such would not be the effect, as no Federal legislation could prevent the owner of land acquired under a homestead from acquiring a water right from the State for any lawful purpose, including the generation of power. It does have, however, a concealed and sinister purpose, and its effect would be to at least give color to the assertion of the right of the Federal Government to prevent a homesteader from fencing his land if it had upon it a spring, a water hole, a stream, or a dry run occasionally carrying water; and this would seem to be its real purpose and intent.

There is at this time, as there has been for years, a considerable sentiment in certain quarters for the leasing of public lands for grazing purposes. Leaving out of consideration the question as to the wisdom or propriety of so doing, I trust there is no one who desires, in the furtherance of such a plan, to prevent bona fide homestead entry.

We are informed, however, that the Interior Department is at this time sending its agents abroad over the public-land States to spy out the location of public land containing springs, water holes, or streams, with a view of reserving the same from settlement, and that such reservations are being rapidly made under claim of authority and presumably in the interest of a proposed leasing policy.

I can not believe such a policy of withdrawing lands that may have water upon them can or will be continued; if it should, a homesteader could acquire no such lands; but if peradventure he should, the water reservation proposed, if it had any effect at all, would certainly prevent the homestead settler from securing any exclusive right to such water, and to make that prohibition effective the homesteader and his grantees for all time would necessarily be prevented from building any fences which would prevent free access by all the world to such water; and if this provision should be written into this homestead bill it would apply to all unperfected homesteads as well as to all homesteads hereafter taken. As a matter of fact, the claim might be asserted under the proposed amendment that the homestead settler could not acquire the exclusive right to use water for irrigation or other purposes upon his land under State law. Does the condition thus created appeal to the present or intending homestead settler of the country or to anyone who does not desire to have the remaining public lands, without regard to their character, remain for all time to come an open grazing common, to be leased or otherwise controlled by the National Government?

## POWER SITES.

But the latest and most unique proposition is not contained in this lovely amendment. The latest proposition suggested as a limitation on the homesteader's title is that there shall be reserved from all the lands which a homesteader may acquire—the gentlemen are much disturbed lest the homesteader shall get something of value—they say nothing about the desert entryman, about the timber-and-stone claimant, about the isolated-tract purchaser, about the Carey Act entryman—they put everything on the homesteader; he is the fellow from whom we must reserve everything but the empty husk of a title. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEEKS. Mr. Chairman, I yield the gentleman 15 minutes more.

Mr. MONDELL. Mr. Chairman, I may not use all that time, but I want to go a little further into this power-site proposition. The proposition is now, as suggested to the conferees, that the title granted to the homestead settler shall, by some provision of legislation, the character of which I can not clearly contemplate, withhold from him the fee to such an extent that if his land should ever be needed for water-power purposes, for the development of power from water, for the transmission of power, he shall surrender his title, without payment, to such portion of his land as may be needed for such purposes.

I have asked why this was proposed, and all I can get is a hazy suggestion that somebody, somewhere, is threatening to monopolize the water power of the country. Inasmuch as it is claimed that somebody is attempting to monopolize the water power of the country, it is now proposed to hold up the homesteader and make him give up his land when the water monopolies want it. That is what it means if it means anything at all; and instead of striking at monopoly, it gives the monopolies an opportunity to secure without money and without price the property of the homesteader. Does anyone imagine that a homesteader will accept any such title as that, a mere temporary easement, terminable without compensation whenever any-

one may desire to use any or all this land for a ditch, a plant, or a line for power?

Some one may suggest that only in an occasional instance would land be needed for such use. Perhaps not, but would that be any satisfaction to those whose lands were so taken? Under the laws of all the arid States lands may be taken for such purposes on payment of fair compensation. Shall the constitutional prohibition against taking property without due compensation be ignored in the case of the homesteader?

We have had withdrawn from entry some hundreds of thousands of acres of land under the title of "power sites." The average citizen who has never seen these lands can not be expected to understand what they are like. Up here, within the sight of the dome of the Capitol, at the Great Falls of the Potomac, is a water power better than any within the 100,000 square miles of my State. And yet the waters of the Potomac have flowed over these precipices since time began. For many years, within easy carrying distance of transmission lines from this water power, a half a million people have dwelt. Yet that water flows unused, unharnessed, unuseful to men.

Out in the western mountains where there is one man to the square mile every tract of land near or upon which, by the most lively imagination, a dam or ditch may be built or a transmission line may ever be carried is withdrawn as a power site. You imagine power sites as occupying the sylvan dells and the rocky ledges abutting upon the dashing fountains of the mountains. Perhaps there are some such. Come out and see some of them on the desert, miles away from where water flows except in floods, along streams that have not fall enough to ever tempt power development, wherever a fervid imagination may conjure up a possible development, large or small. It is urged on behalf of this water-power reservation that if it is adopted the power sites may be restored to entry. Would it be impolite to call that executive coercion? For one, Mr. Chairman, I would say that, trying and vexatious as the power-site withdrawals are, they would stand unused and untenanted until Gabriel blew his horn before I would agree to that kind of a reservation in the patent of all homesteaders. [Applause.]

Certain gentlemen seem to fear that if we are not careful the people of the Western States will rob themselves or allow themselves to be despoiled by their own domestic enterprises; they will allow themselves to be crushed under the iron heel of monopoly; that they are so pusillanimous that they will allow their citizens to be plundered and their rights denied. If that is the kind of people that live in those Western States, the Federal arm is not strong enough to save them. But that is not the kind of people we have there.

Where have the people most successfully asserted their rights as against monopolistic combinations? In the States. What sovereignties have been most effective in controlling corporations? The States. But they say that the right of the State to control the development and use of power may be questioned; that great corporations may go out there and construct vast works and generate and transmit electricity and the State be powerless to control them.

## STATE CONTROL COMPLETE.

There is absolutely nothing in the contention that the arid States can not fully control the use of water in the generation of electricity and provide the terms and conditions under which the power generated may be used and disposed of, but, in order that there might be no doubt in the minds of any on that question, I have introduced a bill for the restoration to appropriate entry the lands covered by the so-called power sites, as follows: A bill for the restoration under certain conditions of lands included in power-site withdrawals.

*Be it enacted, etc.,* That from and after the passage of this act lands included in power-site withdrawals shall be subject to disposal under the public-land laws applicable to such lands, but all locations, selections, or entries of such lands and all patents issued therefor shall be on the express condition that any denial on the part of the claimant or owner of such lands, or of any person or corporation occupying or using the same for the generation or transmission of electric power or energy, of the authority of the State in which such lands are located to supervise and control all such operations and to fix conditions and rates under which power may be generated, transmitted, or sold, or any refusal to accept or abide by any supervision, control, condition, or rate established by or under State authority shall work a forfeiture of all claim or title to such lands, and, upon the determination of such denial or refusal by a court of competent jurisdiction in a suit which may be instituted by any party in interest, the title to such lands shall revert to the United States.

In the State which I have the honor to represent there is no demand for power sites as such. I do not have in mind a single instance where anyone is seeking a power-site location on the public land in Wyoming. Fuel is cheap and steam plants are, in the main, and will be for many years to come, if not for all time, as cheap and more satisfactory than the majority of water-power plants; but our people do desire here and there to utilize

lands covered by power-site withdrawals for irrigation development, farming, and industrial purposes. Irrigation enterprises of considerable magnitude are delayed and sometimes made impossible by power-site withdrawals. The State alone can grant the right to use water for power and other purposes—the State can and does control such use. We are perfectly willing and we prefer, if there be any question about it, that the Government shall part with title to lands that may be used some day for power purposes, or to all lands, for that matter, with the express recognition of the right of the State to control. The right exists, but such a statute as I have proposed removes all doubt in the matter, and with such a law on the statute books no one can reasonably insist upon the continuation of the withdrawal of such lands from use, except those who use the bugaboo of water-power monopoly as an excuse for interference with the rights of the people in the States and to perpetuate a Federal bureaucratic control of the resources of the States.

Anyone securing the right to the use of water in the arid States secures it under condition that it shall be used under State control, and that being true, is it necessary for the Federal Government to step in and attempt to protect the people of the Western States against local water users? If we have reached a point where such control is necessary, then we have reached a stage where we must confess that self-government is a failure, and I have not as yet reached that point. Neither do I ever expect to reach that point.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. TAYLOR of Colorado. I wish before the gentleman closes that he would refer to the proposed limitation concerning timber.

Mr. MONDELL. Mr. Chairman, that is a proposition that was not contained in the amendment I have referred to. It was presented as a separate amendment and voted down. It proposed that no land principally valuable for its timber should pass under a homestead title. As a matter of fact, that is and always has been the law. Our laws have always contemplated that the land should pass into private ownership under that law which provided for the disposition of its resource of greatest value. Land is coal land if it is principally valuable for coal. Land is metalliferous mineral land if it is principally valuable for metalliferous products. It is oil land if it is principally valuable for oil; and by the same token it is timberland if it is principally valuable for timber. There are some of us whose people would never be affected by a provision of that kind. I do not believe that in the entire extent of my State there are 100 acres of land which any man would say were more valuable for timber than for agriculture that anybody would think of taking as a homestead.

The objection that comes principally from the gentleman from the Pacific slope is this, that we have now reached a time when along the slopes of the mountains and in the rugged hill country adjacent to irrigated ranches, adjacent to the farms, adjacent to the industries of the valley, are lands that are rough and broken and that contain some timber. They are not particularly valuable as farms, but they are valuable enough to make a good home for some man and his family who expects, in addition to the farming of his land, to earn his living partly by working in the adjacent vineyards or hayfields or in the industrial operations of the region of one sort and another.

So gradually people are taking up this rough, broken land, containing some timber, and I think there would be cases, and that is what gentlemen of the coast region fear, where an over-zealous special agent would say that because the land was not very valuable for agricultural purposes and did contain some timber therefore it was more valuable for timber than agricultural purposes. Now, we all know that there is practically no valuable timber anywhere on the public domain unreserved. All timberlands of any considerable value in the country have long since passed into private ownership or been included in forest reserves. What is left are the tag ends here and there.

After our good lands have been disposed of, after all the better lands have gone, we have met this condition of public mind formed by a few—I was going to say fanatics, but I do not want to be offensive—formed by a few men of extreme views playing upon the cupidity of many well-meaning people who do not know. That has been the trouble. If the country could know as we know the conditions that surround us and confront us, if the country could know as we know that we have reached the time when we need the man on the land more than the man needs the land, that we are more anxious to get him than he is to come, that we are anxious to see our hillsides occupied and our valleys developed, that we know that our Commonwealths can not become great until we have a population such as they are capable of supporting, they would aid us in secur-

ing legislation which will encourage settlement and development instead of urging such as will retard and discourage it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

[Under the privilege to extend his remarks in the Record Mr. MONDELL submitted a paper prepared by him giving reasons why, in his opinion, certain amendments proposed to the three-year homestead bill should not be adopted.]

#### HOMESTEAD REQUIREMENTS.

Mr. MONDELL. In the letter of the Secretary of the Interior of February 15, 1912, to the chairman of the Committee on the Public Lands of the House of Representatives the Secretary states that if Congress is to pass the three-year homestead law it should contain certain restrictions which are contained in Canadian homestead laws, and which he sets out as follows. I have suggested briefly why they should not be adopted.

"(1) No entry for a homestead shall convey any right to any minerals within or under the land covered by the entry, or any exclusive or other property or interest in, or any exclusive right or privileges with respect to, any lake, river, spring, stream, or other body of water within or bordering on or passing through the land covered by the entry."

Homestead entrymen under our laws must prove the non-mineral character of their lands. Except in the case of surface entries of coal land we have never departed from this policy. Mineral lands should be entered under mineral laws, with such exceptions of limited patents as Congress may from time to time provide. There is no more reason for departing from this policy under a three-year than under a five-year homestead.

The right which the homestead entryman acquires respecting water on or bordering his land depends on State law and not national legislation. In the few public-land States where the common-law rule of riparian rights prevails he has the usual rights of a riparian owner. In most of the remaining public-land States the law of appropriation prevails and no right to water attaches except by appropriation under State law and must be respected, else no reclamation could be accomplished. This feature of the Canadian law takes the place of our State statutes of appropriation. It has no place in American land laws.

"(2) The Commissioner of the General Land Office may, if he deems it necessary, require the holder of a homestead entry to furnish proof, by declaration or otherwise, that he is duly performing his homestead duties each year subsequent to the date of his entry."

This provision of yearly proof under the homestead law, similar to our provision under the desert-land law, may be necessary in Canada owing to the absence of the right of private contest. It is burdensome without being necessary under our system.

"(3) If a homestead entryman fails in any year to fulfill the requirements of the laws with respect thereto, the Commissioner of the General Land Office may cancel the entry, and all rights of the entryman therein shall cease and determine. Any subsequent applicant for the same land may be required to pay in cash reasonable compensation for the improvements of the person whose entry is canceled, and the commissioner may, in his discretion, pay to the latter the amount of such compensation in whole or in part."

The Commissioner of the General Land Office, or rather in the final analysis the Secretary of the Interior, now has the power to cancel entries for failure to comply with the provisions of the homestead laws, and does so cancel many entries every year.

The requirement of payment to the Government by the subsequent entryman of the value of improvements could not be grafted on our general homestead system without changing its entire character, and this is equally true of the repayment to the defeated entryman. These provisions are necessary under the Canadian system because of the fact that the Government makes loans to homesteaders and must have some means of reimbursement.

"(4) If the entry is obtained for lands which are ascertained to be valuable on account of merchantable timber upon it, the entry may be canceled within six months of its date."

Our homestead laws have always recognized the right of the homesteader to homestead timbered lands fit for cultivation. If a departure was to have been made from this policy it should have been made when we had homestead lands containing valuable timber. There are no considerable areas of such lands now, and a provision of this kind now would simply increase the cost of administration and harass every settler who might homestead lands containing a few trees. The enlarged homestead law now prohibits the entry of lands containing merchantable timber.



"(5) If after entry is obtained it is ascertained that the land entered, or any portion thereof, is necessary for the protection of any water supply or for the location or construction of any works necessary to the development of any water power, or for purposes of any harbor or landing, the Commissioner of the General Land Office may, at any time prior to the issuance of patent, cancel the entry or withdraw any portion of the land entered; but where the land is required for the location or construction of works necessary to the development of any water power the withdrawal or cancellation shall extend only to such land as is necessary for that purpose."

We have no homestead lands on harbors or landings. When we did we had no such provision. The President now has power to withdraw lands for power sites, and rights of way for ditches are reserved in patents.

"(6) Everyone who buys, trades, or sells or professes to buy, trade, or sell land, or any interest in or control of land, open to homestead entry, or for which homestead entry has been made but upon which patent has not issued, shall be guilty of an indictable offense."

Any offer or contract to sell or encumber a homestead prior to submission of proof showing that a title has been earned subjects the entry to cancellation under our laws.

"(7) Every homestead entryman shall be required, in addition to residence, to have erected a habitable house on the land embraced in his entry and to have cultivated such an area of land in each year as is satisfactory to the Commissioner of the General Land Office."

The bill reported requires proof of a habitable house, and as to the ordinary 160-acre homestead entry the amount of cultivation required is entirely within the discretion of the Secretary of the Interior. On all other homesteads—enlarged and reclamation homesteads—the area of cultivation is prescribed in the law.

"(8) Every homestead entryman shall, prior to the issuance of patent and as a prerequisite therefor, make proof of his compliance with the law, such proof to be in the form of a sworn statement by the entryman, corroborated by the sworn statements of two disinterested parties resident in the vicinity of the lands covered by the entry."

All this and more is now required by our laws.

"(9) Any person who receives a consideration for abandoning a homestead or who pays a consideration for such abandonment shall forfeit the right of homestead entry."

Our laws do not recognize any consideration for relinquishing a homestead, but a homesteader is sometimes obliged to abandon his homestead before making proof, and it would work great hardship and serve no good purpose to attempt to punish him for securing what he can for his expenditures of time and money from another intending settler. Canada meets this situation by charging the new settler for improvements and paying the former settler. Their law recognizes certain direct assignments, and the prohibition against assignments generally is necessary to protect Government loans (see 5). Our plan is the best.

The above statements make it clear that all the essential requirements contained in the Canadian law are met by our various statutes. Our Government makes no loans on homesteads, hence the Canadian provision for protecting loans has no place in our law. On the other hand, the right of private contest for failure to comply with the law is with us the strongest influence in enforcing compliance with the law.

On the other hand, Canada has many liberal provisions in her homestead laws we do not have, as follows:

1. In Canada one is a qualified entryman at 18 instead of 21, as with us, and a homestead may be reserved for a person of 17.
2. No one is barred by reason of owning other lands. With us the entryman must not be proprietor of more than 160 acres.
3. The Canadian entryman need only reside on the land six months in a year, and residence on a farm owned by the entryman or his relatives within 9 miles of the homestead is accepted as residence on the homestead.
4. A Canadian homesteader may secure an additional 160 acres by preemption or purchase, and straight sales of agricultural lands are frequently made.

Mr. BURKE of South Dakota. Mr. Chairman, I wish to discuss for a few moments the question of the making of a tariff law and how certain bills have been made and passed by this Congress dealing with this subject, and why the President vetoed the bills that were passed during the special session. I also want to point out that his action in vetoing the several bills was fortunate from a standpoint of the business of the country and the best interests of the people, and was justifiable from every standpoint. I will also discuss briefly the present position

of the Republican Party in levying duties, and show why that party ought to be intrusted to enact tariff legislation. I will begin by asking and answering the following questions:

Are you a business man?

If so, would you voluntarily allow a lawyer or a professional politician to manage your business affairs?

Certainly not.

Then, are you willing that a tariff law which vitally affects your business shall be framed by a committee of lawyers who have no business training or experience and no knowledge of the conditions upon which your welfare depends?

The answer must be emphatically "No."

And yet this is the dangerous and absurd policy of the Democratic Party. It has attempted to carry out its program. The fact that it has been unsuccessful and that the country has been saved from disaster is due to the wisdom, courage, and patriotism of President Taft.

His action adds to his splendid record of notable achievements.

The story of what President Taft has done and is doing must appeal forcibly not only to business men everywhere, but to the farmer, the workman, and to every class of citizen. It is due to the sagacity of President Taft that a Tariff Board has been created and that honest, straightforward, and sensible business principles are being applied to the revision of the tariff.

Whatever else the numerous and intricate details of the tariff may be, they are neither legal nor political in their nature. They are primarily questions of business. They enter into every phase of production and manufacture. The tariff schedules must take into consideration the practical questions of cost of production, the supply of raw material, the effect of foreign labor competition upon the welfare of the American workman. The Tariff Board, a nonpolitical, nonpartisan organization of experts, investigates and reports upon these matters. No corporation would undertake to settle the all-important and vital details of manufacture by consulting either lawyers or professional politicians. Business men must manage business affairs.

This is President Taft's idea. He knows that the methods by which tariff schedules have been prepared in the past have been faulty and unsatisfactory. Tariff laws, almost invariably, have been framed to meet some political exigency and by men who, unfortunately, were not conversant with business affairs. President Taft realizes that whatever criticism may attach to the present tariff law is due to the fact, as stated by him in a message to Congress, that the rapidity with which it was prepared made it impossible to base it upon sufficient accurate information. Out of his wise suggestion that the imposition of tariff duties should be more of a business question and less of a political question and that the rates should be ascertained by experts of long training and accurate knowledge the Tariff Board was born.

Why did President Taft take this action so important to the business interests of the country?

Look at this list of Democratic Representatives and their professions:

- OSCAR W. UNDERWOOD, of Alabama (no profession or occupation given in the Congressional Directory).
- CHOICE B. RANDELL, of Texas, lawyer.
- FRANCIS BURTON HARRISON, of New York, lawyer.
- WILLIAM G. BRANTLEY, of Georgia, lawyer.
- DORSEY W. SHACKLEFORD, of Missouri (no profession or occupation given in the Congressional Directory).
- CLAUDE KITCHIN, of North Carolina, lawyer.
- OLLIE M. JAMES, of Kentucky, lawyer.
- HENRY T. RAINEY, of Illinois, lawyer.
- LINCOLN DIXON, of Indiana, lawyer.
- WILLIAM HUGHES, of New Jersey (no profession or occupation given in the Congressional Directory).
- CORDELL HULL, of Tennessee, lawyer.
- W. S. HAMMOND, of Minnesota, lawyer.
- ANDREW J. PETERS, of Massachusetts, lawyer.
- A. MITCHELL PALMER, of Pennsylvania, lawyer.

Is this the Committee on the Judiciary of the House of Representatives? Not at all. It is the entire Democratic membership of the Ways and Means Committee, which has undertaken to regulate the enormous business of this country through the tariff bills which it has framed. The profession which they follow is shown in their autobiographies in the Congressional Directory.

Thus in a committee which prepares measures which are purely commercial and which deal with prices, weights, importations of all kinds, and business matters generally there are 11 lawyers out of 14 members, and if the other 3 have any business experience or training it was not of sufficient value or

extent to be noted in their autobiographies. The great commercial interests of the country can not afford to have their enormous investments entrusted to the care of men who have no connection with nor knowledge of business affairs. Legal wisdom in dealing with the adjustment of labor cost and the relation of raw material to the finished product is not as desirable as practical knowledge and experience. It could not be otherwise than that a bill prepared by lawyers should fail to stand the test of business analysis.

The mere fact that the bill framed by the Democratic Ways and Means Committee would have been enacted into law but for President Taft's veto illustrates the utter incapacity of the Democratic Party to deal with national affairs. It must not be forgotten that if the Democratic House of Representatives is continued in power this same committee of lawyers will again attempt to regulate the tariff, with certain disaster to the country.

President Taft believes, and the country believes with him, that when legislation is attempted which vitally concerns the business interests of the country such legislation should be based upon an intelligent understanding of all the facts. The work done by the Tariff Board appointed by him is the first effort in the history of the country to place tariff revision upon a systematic and sensible basis. This is so true and the support which the American people will give President Taft for his course in the matter is so certain that the Democratic Party in the House of Representatives is doing its utmost to discredit the President's sagacious policy. It only needs, however, an intelligent understanding throughout the country of the President's position to win him universal commendation. There is no comparison between the haphazard, uncertain, and inaccurate methods pursued by the Democrats and the direct, practical, and safe plan which the President originated, advocates, and would put into complete operation.

Labor constitutes a large proportion of the expense in all production and manufacture. The prime factor in the making of a tariff law is the difference in labor cost between the United States and foreign countries. The Tariff Board has thoroughly and conscientiously investigated this difference in order that duties should be made adequate, and only adequate, to equalize the difference in cost and production at home and abroad. Before it could make its report, the Democratic House of Representatives sought to create some popularity for itself by revising the wool schedule, regarding which there had been considerable controversy. Its work was so illogical, so far removed from all knowledge of business conditions, and so threatening to the industries of the country that President Taft promptly and emphatically vetoed the measure. He took the ground that the proposed law was injurious to public policy and failed to show a fair regard for the interests of the producers and the manufacturers, on the one hand, and the consumers on the other.

But when the Tariff Board, as the outcome of painstaking investigation into every phase of the wool industry, submitted a unanimous report upon the wool schedule President Taft promptly recommended to Congress that it "proceed to a consideration of this schedule with a view to its revision and a general reduction of rates."

And when the Tariff Board, having conducted a similar thorough and scientific inquiry into the details of the cotton schedule, submitted another unanimous report, President Taft, with true progressive spirit, again indicated his willingness to accept accurate and rational tariff revision. He asked Congress to proceed to revise the schedule and reduce the rates.

I base this recommendation—

He said—

on the declaration of the platform on which I was elected, that a reasonable protective tariff should be adjusted to the difference in the cost of production at home and abroad.

The tariff law is composed of thousands of items, each one dealing with some American industry. These must be fitted together like some intricate piece of machinery, each one working in harmony with the other, so as to form a perfect union of labor and capital, production and consumption. To attempt to fit together these multitudinous parts without expert knowledge and advice is like asking a blacksmith to mend a watch.

Men whose minds are not trained along business lines, who have no conception of business details, and who have had no connection with business concerns can not revise the tariff with accuracy or justice. A committee of Congress may summon witnesses; but these, in the main, have only one point of view—their own selfish considerations. What is needed, therefore, is the plan which President Taft has devised as the logical outcome of the declaration of the Republican national platform—a plan which enables an expert board to investigate thoroughly, intelligently, and impartially the conditions existing at home

and abroad and to report its findings of fact. Under such a plan the element of uncertainty is eliminated and a comprehensive, satisfactory law is secured which, in the words of President Taft, is based upon public policy and has a fair regard for the interests of the producers and the manufacturers, on the one hand, and the consumers on the other.

The tariff law does not affect big business alone. It enters into the welfare of every manufacturer, whether he owns a single factory or operates upon a large scale. It concerns every farmer, whether he be the possessor of a few acres or an immense ranch. It is vital to the workingman, because it must take into consideration the product of his poorly paid fellow worker in foreign lands. It is, above all, the principal factor in the life of every American citizen, because upon the proper application of the principle of protection rests the prosperity of the entire country.

If the tariff is too low, as was the case with the Democratic tariff of 1893, manufactories are compelled to close, workmen are out of employment, and universal distress and suffering prevail. If the tariff is too high, as may happen when there is no intelligent basis of schedule construction, complaints of favoritism and undue advantage must necessarily arise. The Republican Party, under the statesmanlike leadership of President Taft, would solve the tariff problem so as to avoid both extremes. Knowing that through the operation of the principle of protection the United States has reached its present unparalleled prosperity, it will not allow that principle to be sacrificed. The years when protection was menaced were years of leanness and suffering. Neither will it willingly allow the welfare of the country to be jeopardized by tariff laws framed upon personal influence or through legislative guesswork. It proposes a revision and reduction of the tariff upon solid, substantial, and practical lines, which will avoid, to again quote the words of President Taft—

The evil from which the business of the country has in times past suffered most grievously by stagnation and uncertainty, pending a settlement of a law affecting all business directly or indirectly.

This is the intelligent policy and the comprehensive program which the Republican Party presents to the business interests of the country.

When it has become thoroughly known to the American people there can be but one response. It will be overwhelmingly sustained at the polls. It means business stability, a fair profit to the producer and manufacturer, the largest degree of consideration for the workingman and the consumer. It means a revision of the tariff schedules without serious disruption of business with its attendant evils of enforced idleness and hunger. It demonstrates the regard of the Republican Party for the public welfare and will be carried to a triumphant conclusion through the energy and wisdom of President Taft.

Mr. MOON of Tennessee. Mr. Chairman, I yield 40 minutes to the gentleman from Pennsylvania [Mr. Gregg].

Mr. GREGG of Pennsylvania. Mr. Chairman, the bill under present consideration, generally known as the Post Office appropriation bill for the fiscal year ending June 30, 1913, carrying with it not only the appropriation of money necessary for conducting the postal affairs of the Government for the ensuing year, but also new legislation in regard to postal affairs, is probably the most radical departure from past reports and bills known in the history of our country. Many reasons can possibly be given for the departure from previous custom in regard to the presentation of appropriation bills by the Committee on the Post Office and Post Roads, but suffice it to say that sufficient reason is given when it is stated that progressive legislation has been demanded for years without any tangible results, and that the party in power in the House has concluded that the public is entitled to that relief for which it has been contending for years. That relief from past conditions was needed can not be denied. That relief is forthcoming and will be admitted upon a perusal of this bill, to which I shall refer hereafter. Under the system of conducting the affairs of this Government there are many departments that are necessary to be taken care of in appropriations. They include Agriculture; the Army; the Diplomatic and Consular Service; the District of Columbia; fortifications; Indian affairs; the legislative, judicial, and executive branches; the Military Academy; the Navy; pensions; rivers and harbors; and many other items included in the sundry civil, deficiency, and miscellaneous appropriation bills, together with the permanent annual appropriations which are provided for by law. The grand total for appropriations made for the year ending June 30, 1912, was \$1,026,682,881.72. Practically all of the revenue required to carry on the business of the Nation is received through the Treasury Department in the way of taxes, internal-revenue receipts, and the Post Office Department. We appropriated for 1912 over \$93,000,000 to the Army, and that was for war.



We appropriated in 1912 almost \$5,500,000 for fortifications, and that was for war; we appropriated for the same period \$1,163,000 and over for the Military Academy, and that was for war; for the same year we appropriated \$126,478,000 and over for the Navy, and that was for war; for the same year we appropriated \$153,682,000 for pensions, the fruits of war; and yet for agricultural purposes only \$16,900,000, to be used in times of peace. To the Diplomatic and Consular Service \$3,988,000 and some dollars for obtaining and maintaining peace, and for the post office \$259,134,463; and yet the post office, as I have stated, is practically the only self-sustaining branch of the Government outside of the Treasury Department.

#### A DEFICIT IN THE POST OFFICE DEPARTMENT.

Early in this session of Congress we were all congratulating ourselves that the Post Office Department was self-sustaining, but the final figures from the auditor show a deficit in the department for the fiscal year of 1912 of \$627,845.94, instead of a surplus of \$219,118.12. No department of the Government is such a benefactor for its welfare and existence as the Post Office Department. Through it messages of love and letters of sorrow are transmitted with wonderful dispatch. The channels of business would be clogged without its regular and speedy use. Education, which has been said to be "the bulwark of our Nation," is contained in the numberless newspapers, magazines, and periodicals which are carried daily, weekly, and monthly by means of this wonderful system. And right here let me say that in this age of progress, in this new age, in this great twentieth century, when nearly all transportation is revolutionized by the wonderful motive power electricity, in this age of cheap and swift and ever cheaper and swifter transportation, in this age when the thoughts of the master minds and the pencilings of the less educated can be sent in the custody of our Federal Government from ocean to ocean and from the Lakes to the Gulf, it will not do for this great leader among nations to lag behind in this marvelous march of progress.

The most potent factor that we have had in developing our country, in educating our people, in making them more patriotic, and in bringing them closer to others is the newspaper, the periodical, and the magazine. The post office, whether urban or interurban, has been a great factor in disseminating information to our people, and this great House of Representatives, which is so responsive to the wishes of the people, will not be peccaynish in providing for the welfare of this branch of the Government.

While the Committee on the Post Office and Post Roads has been liberal in its allowances and has taken care of the various branches of the Post Office Department which are most instrumental in bringing about good service to the patrons, yet it is well to remember that, although the Postmaster General submitted revised estimates aggregating \$261,180,631, the committee recommends for appropriation in this bill \$259,829,749, which is a decrease in the amount of the final department estimates of \$1,352,814.

#### STEEL RAILWAY MAIL CARS.

Heretofore I have said that radical changes in the existing law have been made in the bill now before the committee. In the first instance it has provided:

That after the 1st of July, 1917, the Postmaster General shall not approve or allow to be used or pay for any full railway post-office car not constructed of steel, steel underframe, or equally indestructible material, and not less than 20 per cent of the new equipment shall be put into operation annually after July, 1912; and after the passage of this act no contract shall be entered into for the construction of steel underframe cars.

This provision was inserted in the bill to provide for the ultimate protection of railway mail clerks, whose lives are in constant danger in the discharge of their duties from the defective postal-car construction. No class of men employed in the Government service to-day—and in saying this I take into consideration the naval and military services of our country—are in more constant danger of injury and death than they.

While it is true that the day for changes in cars was fixed at July, 1917, this was done to avoid injustice being done under the present contracts for the use of mail cars and to afford the department time for changing the cars to the class demanded.

Another section provides against fraud by mail contractors, preventing them from entering into any combination for furnishing supplies to the Government.

Another section provides for the increase in the bonds of naval mail clerks. Another provides against the fraud practiced in weighing the mail and the readjustment of compensation therefor. This bill also takes another advance step in fixing for all carriers in the City Delivery Service and clerks in the first and second class post offices an eight-hour day and extra pay, or compensatory time, for work by carriers in those offices.

This bill also provides for the reclassification of railway postal clerks and for increasing their pay. It provides for this important branch of the postal service the total sum of \$21,035,550. Moreover, it allows an increase for travel allowance of railway mail clerks over the appropriation of 1912. This increase will provide for the full allowance of \$1 per day provided for under existing law. It also provides for an increase in the compensation paid the carriers in the Rural Delivery Service.

#### FREE MAIL DELIVERY IN TOWNS AND VILLAGES.

Probably one of the most important extensions of the postal service will be found in section 10 of this bill, which provides that after June 30, 1912, an experimental mail delivery may be established in towns and villages having post offices of the second and third class that are not by law now entitled to Free Delivery Service. This practically means that in the future all of the towns of our country having a population of 1,000 or more will enjoy Free Delivery Service to the same extent as those patrons of the post offices who live in much larger towns and cities. Heretofore the free delivery of mail matter was confined to every incorporated city, village, or borough containing a population of 50,000 within its corporate limits and at every place containing a population not less than 10,000 within its corporate limits, or at any post office which provides a gross revenue not less than \$10,000, and, of course, to the Rural Free Delivery Service. It also provides for the promotion of clerks in post offices of the first and second class by an automatic process.

#### THE "GAG RULE" CONDEMNED.

One of the most salient features of this bill is section 6, which is intended to protect employees against oppression and in the right of free speech and the right to consult their representatives. Two orders have emanated from the Executives, in the following language:

#### PRESIDENT ROOSEVELT'S ORDER.

All officers and employees of the United States of every description, serving in or under any of the executive departments or independent Government establishments, and whether so serving in or out of Washington, are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay or to influence or attempt to influence in their own interest any other legislation whatever, either before Congress or its committees, or in any way save through the heads of the departments or independent Government establishments in or under which they serve, on penalty of dismissal from the Government service.

THEODORE ROOSEVELT.

#### PRESIDENT TAFT'S ORDER.

It is hereby ordered that no bureau, office, or division chief, or subordinate in any department of the Government, and no officer of the Army or Navy or Marine Corps stationed in Washington, shall apply to either House of Congress, or to any committee of either House of Congress, or to any Member of Congress, for legislation, or for appropriations, or for congressional action of any kind, except with the consent and knowledge of the head of the department; nor shall any such person respond to any request for information from either House of Congress, or any committee of either House of Congress, or any Member of Congress, except through, or as authorized by, the head of his department.

WILLIAM H. TAFT.

Heretofore and now the post-office clerk, the carrier, and railway mail clerk was not permitted to appeal to his Representative in Congress. If he appealed to one of the heads of the department that particular officer sent it back to the postmaster or the head of his division. The result was that forever thereafter this particular employee enjoyed the ill will of his immediate superior. The fact is that the postmaster becomes the boss of that particular locality, and a complaint not made to him receives no consideration whatever. It is responsible for the discontent that exists now among all of the postal employees of the Nation, and it is for the purpose of wiping out the existence of this despicable "gag rule" that this provision is inserted. The rule is unjust, unfair, and against the provisions of the Constitution of the United States, which provides for the right of appeal and the right of free speech to all its citizens.

#### THE PARCEL POST.

By far the most important feature of this bill is that section providing for the parcel post. I doubt if any legislation enacted by the present Congress will be so important as the adoption of this provision. For years the people of our Nation have been petitioning Congress for the establishment of such a system, and the mouthpieces of the people of the Nation—the newspapers and periodicals—have been demanding that the United States Government should institute and maintain a parcel-post system. Attention has been directed time and again to the methods prevailing in foreign countries and the success that has attended the establishment of the parcel-post system, until to-day the general demand for some system of parcel post has become so great that this Congress will be required, if it desires

to respond to the wishes of the people, to enact some legislation along this line. Whatever it is must necessarily be experimental in its character. Whatever this experiment, I am positive that ultimately—in fact, presently—there will be established a system that will give entire satisfaction to the entire country. There is no question about the legal right to carry on such a business. The fundamental law gives authority to Congress. In the final draft of the Constitution of the United States as adopted, among the granted and enumerated powers of the Federal Government, in section 8, we find the following language: "Congress shall have power to establish post offices and post roads."

Long before the adoption of this instrument the provisional government and the Colonies and the various States under the Articles of Confederation provided for the employment in the public service of expressmen and special messengers in taking and carrying private letters. So that there was long precedent for including in the final draft of the Constitution the provision that I have herein referred to, viz: "Congress shall have power to establish post offices and post roads." The act of February 20, 1792, was the first after the adoption of the Constitution which fixed the rates of postage on mail matter, and it specifically provided for the carrying of packets. President Monroe, in a message to Congress dated May 4, 1822, called attention to the fact that Congress was given power to locate post offices and routes by which mails should be carried from one post office to another—

So as to diffuse intelligence as extensively and to make the institution as useful as possible; to fix the postage to be paid on every letter and packet that is carried; to support the establishment and to protect the post office.

Further on he said:

Post offices were made for the country, and not the country for them. They are the offspring of improvement.

And from that date on the importance of the post office in the development of the country and its usefulness to all the people was accentuated in the messages of Presidents succeeding Monroe and by the legislative actions of the various Congresses.

#### PARCEL POST IN FOREIGN COUNTRIES.

The present agitation of the parcel-post system, I believe, is indirectly chargeable to the fact that parcels can be sent to foreign countries under the international union agreements at a rate of 12 cents per pound up to 11 pounds, while it costs the people of our Nation 16 cents per pound to mail a parcel weighing not more than 4 pounds to any point within the United States. This discrimination is unjust and is more frequently used as an illustration in favor of a parcel-post system within the United States than any other argument that can be produced.

It is contended that if the Government of the United States can carry a parcel from San Francisco to Paris at 12 cents per pound, why should the American pay 16 cents per pound and the weight be limited to 4 pounds, while the foreigner's weight has an 11-pound limit? There was and is no answer to this question. Further it was inquired that if Italy, France, the United Kingdom, Germany, Austria, and many other foreign nations, 23 in all, and many of them much weaker than ourselves, can enjoy the blessings of a parcel post, why not this great and powerful Nation of ours? In the meantime free delivery has been extended to the rural communities and the telephone has been installed. Why can not the farmer have the benefit of a parcel-post system in order to market his products and bring him in closer touch with the outside world? All these questions and the varying interests have culminated in a universal demand for a parcel-post system, and at this present session of Congress, in this House alone, we find no less than 17 different bills, varying from the number of pounds to be carried in the United States mails at a specific sum per pound to 2 bills providing for the condemnation and purchase of the franchises, and so forth, of the express companies of the United States for the purpose of establishing a parcel-postal express.

Mr. DYER. Will the gentleman allow an interruption?

Mr. GREGG of Pennsylvania. Surely.

Mr. DYER. What articles does the gentleman think the farmers will market by the parcel post should this provision become a law?

Mr. GREGG of Pennsylvania. If the gentleman will pardon me I think as I go along I will develop my idea in reference to this which will answer the question the gentleman is now asking.

Mr. DYER. Will the gentleman's argument as he goes along also explain what the result of the establishment of the parcel post will be upon the commercial houses and upon the retail houses in the various portions of the country?

Mr. GREGG of Pennsylvania. Yes; I think if my time is sufficient I will be able to give the gentleman my ideas and answer the question which the gentleman has now asked.

#### PROVISIONS OF PRESENT BILL.

Out of this multiplicity of bills the Committee has framed the bill which is now under consideration. This bill provides as follows:

That hereafter postage shall be paid on matter of the fourth class at the rate of 12 cents per pound, except as herein provided.

That no article, package, or parcel shall be mailable as matter of the fourth class which exceeds 11 pounds in weight, except as herein provided.

That on each and all rural mail delivery routes of the United States the postmaster at the starting point of such route shall, until June 30, 1914, receive and deliver to the carrier or carriers of said routes all articles, parcels, or packages not prohibited to the mails by law and falling under the definition of fourth-class matter and not weighing in excess of 11 pounds, for transportation and delivery on said routes only; and the carriers shall receive at intermediate points on all rural routes such mail matter of the fourth class for delivery on their respective routes only.

That postage shall be paid on all articles, parcels, or packages entitled to transportation under the provisions of this act as matter of the fourth class on rural mail delivery routes only at the following rates: One cent for each 2 ounces or less, 2 cents for more than 2 ounces but not more than 4 ounces, 3 cents for more than 4 ounces but not more than 8 ounces, 4 cents for more than 8 ounces but not more than 12 ounces, 5 cents for more than 12 ounces but not more than 1 pound, and 2 cents per pound for each additional pound or fraction thereof up to and including a total of 11 pounds. That the Postmaster General shall make all rules and regulations necessary and not inconsistent with law to the proper execution of this act.

That for the purpose of a full and complete inquiry and investigation into the feasibility and propriety of the establishment of a general parcel post a commission of six persons, three of whom shall be appointed by the Speaker of the House of Representatives and three by the President of the Senate, is constituted, with full power to appoint clerks, stenographers, and experts to assist them in this work. They shall review the testimony already taken on the subject of parcel post by Senate and House committees and take such other testimony as they deem desirable. For the purpose of defraying the expenses of this commission the sum of \$25,000 is hereby appropriated out of the moneys in the Treasury not otherwise appropriated.

This question, then, brings us squarely to the issue. I am satisfied that at this time there are those who will contend that this bill does not purpose giving a parcel post; that it is intended to delay action on this important subject; in short, that it is intended as a sop to the people; and, further, that it is intended to mollify certain interests. Nothing could be farther from the truth. When I recall the many meetings that were held by this great Post Office Committee, when I recall that for many days, yes, weeks, the committee, during the torrid weather of last summer, sat and listened with patience and interest to the arguments for and against the parcel-post system, undertaking to secure all possible information on the subject, when I recall that for days this past winter the members of this committee, some of whom have been long in the service of this House and their country, considered, consulted, and argued on the parcel-post question, each trying to evolve a bill that would suit the demands of the country and respond to the wishes of the greatest number—I repeat, when I recall all these investigations, without hesitation I challenge any man in this Chamber to even doubt the integrity of the bill or the lofty purposes that inspired it. I know that when the fervor of this discussion has ended all, with one accord, will acclaim that this bill is entirely fair and satisfactory.

#### THE OPPOSITION TO THE PARCEL POST.

I am fully aware that great opposition has been manifested to the passage of a parcel-post measure. Since the report of the committee has been filed in the House an attack has been made on section 8 of this bill, which I have quoted, by those who are in favor of the immediate passage of an unlimited parcel-post bill and by those who demand a postal express. The opposition to a parcel-post system, in the first instance, originates with those who are unalterably opposed to a general parcel post, contending that not only this bill but all bills which attempt to regulate the rate of postage on fourth-class mail is an entering wedge to the system. Those who reason thus are likely correct, and all classes of people in the United States might as well make up their minds now as well as later that the parcel post is coming and that when it comes it will be here to stay. The opponents of a general unlimited parcel post insist that it will tend to concentrate business in the large cities and be injurious to rural communities and small towns and cities; that it will destroy the prosperity of innumerable towns and villages. In short, the principal opposition comes from those merchants who honestly believe and earnestly contend that it discriminates against the class known as the country merchant and favors the great retail mail-order houses located in many of the large cities.

#### THE MAIL-ORDER HOUSE.

It is a fact that the mail-order house exists. It has existed for many years, and now as heretofore the great bulk of its business has been done throughout the country by freight and occasionally by express. The reason of this is that it makes the article to the consumer cheaper. The articles which are



purchased from the mail-order house are usually of the character known as "staples." As I have stated, it is the rule that these are shipped by freight. The consumer pays the freight at the place of delivery. The mail-order house receives its money for the articles purchased before delivery, and so far as an individual transaction between the mail-order house and the purchaser is concerned, the transaction is ended there. If the mail-order house undertook to do business with its customer through the Post Office Department, a different condition would arise. The mail-order house would be compelled to pay the postage freight, if you so desire to call it, in advance. The result would be that the mail-order house would be compelled to do one of two things: First, to increase the price-list cost of the article in order to meet the paid-in-advance freight or postage; or, second, lose a profit to that extent. But the parcel post will not be the thorn in the side of the merchant that will hurt. The parcel post will not be the medium that will hurt the merchant. The mail-order house will continue to do business in the same old way, just as it has in the past, parcel post or no parcel post. The chief medium through which the mail-order house has been transacting its business in the past has been through its agents. The parcel post will not increase this character of business nor can it prohibit it. The system by which the agent works is something like this: Desiring to engage in business, the agent writes to a mail-order house and secures a catalogue, together with a contract from the house showing the amount of his commission. The agent then proceeds to solicit orders from the residents, householders of his community, and with the money, the cost price, less his commission, he mails these orders to the mail-order house. The goods ordered are then selected, boxed or crated, and then consigned and shipped by freight to the agent, who proceeds to distribute the particular orders given by his customers. Just here is where the competition comes in with the local merchant.

The mail-order house buys in large quantities, or perhaps buys what is known as "seconds," and consequently thus is enabled to undersell the local merchant either by selling cheaper for the reason already given or because it is an inferior article which is not known by the customer. This agent will not cease to work and cease to sell. He can not and will not use the parcel post. The freight rate is much cheaper, and for the further reason that he is protected by law by the decisions of the highest court in our land.

More than once actions at law have been instituted for the purpose of having the court declare that when a mail-order house filled an order, for example, in the city of Chicago and shipped it to Pittsburgh, and at the latter place was distributed by the agent of the mail-order house, that the sale took place in Pittsburgh and therefore the agent would be amenable to the local and mercantile laws of Pittsburgh. The Supreme Court of the United States held otherwise, and in two cases which I now recall, both being Pennsylvania cases, specifically held that such a sale was legal. In the case of *Rearick v. The Commonwealth of Pennsylvania* (203 U. S., 507), the Supreme Court of the United States, reversing the Superior Court of Pennsylvania, said:

Interstate commerce is unlawfully burdened by a municipal ordinance exacting a license fee from a person employed by a foreign corporation to solicit within the municipality orders for groceries, which the company fills by shipping goods to him for delivery to, and the collection of the purchase price from, the customer, who has the right to refuse the goods if not equal to samples, such goods always being shipped in distinct packages, corresponding to the several orders, except in the case of brooms, which, after being tagged and marked like the other articles, according to their number, are then tied together in bundles of about a dozen and wrapped up conveniently for shipment.

This same doctrine was laid down earlier in another Pennsylvania case, *Brennan v. City of Titusville* (153 U. S., 289), and was followed in the case of the *Chicago Portrait Co. v. City of Macon* (147 Fed. Rep.). Thus it will be seen that the retail merchant will not need fear the parcel post, but his ancient enemy the agent who represents a foreign concern and who uses the railroad freight as his medium for distribution.

#### THE COUNTRY MERCHANT.

Again it is urged that the parcel post will drive the exclusively country merchant out of business—the merchant who trades in the small villages. I can not see that this will happen; but, on the contrary, I believe it will help. To-day he handles a small stock and his customers are confined to the residents of his immediate vicinity. His stock is not necessarily large. There is no need that it should be big, consequently he makes a small profit and is satisfied. But institute the parcel post on his rural route, and with the telephone, watch his business increase. The trade he enjoyed before will not leave him. His old customers will remain and trade with him just as they did before, and in addition will bring to him their produce, so that he can in turn trade with the resident of the larger town or

city. In other words, the country merchant who is up to date will extend his former small trade heretofore confined to his small community by getting in touch with various householders of the larger towns and cities, and daily, if necessary, furnish them with the necessities of life, fresh, pure, and unstored. It will be but a simple process of expansion, and the live, active, American storekeeper will readily adapt himself to the changed conditions and establish a trade which will greatly exceed his fondest dreams. Moreover, this merchant, of necessity, purchases in small quantities. He buys from a jobber or a merchant in a larger adjoining town who carries a larger stock with a greater assortment. He will, under the parcel post, write or telephone, and in a day replenish his stock, outside of large orders for groceries and like articles, at a cost much below the price he now pays in freight or expressage, with the additional drayage or the time lost in using his own conveyance.

Postmaster General Meyer, in 1908, said:

The free rural delivery has improved materially and intellectually the life of great numbers of the farmers and those living in rural communities. Is it too much to ask that the department shall make a further use of this important system, a use which, while adding appreciably to the postal revenues, will directly and vitally benefit every man, woman, and child within reach of a rural route? The countryman would have the necessities of life delivered at his age at an average cost of 2 cents a pound, thereby facilitating and increasing consumption. This would mean augmentation of the trade of the thousands of country merchants. The commercial traveler should appreciate the advantages of this system; it would increase his orders, because the country merchant buys from the jobber or wholesaler. Every component part of our commercial system would feel the effects of an increased prosperity.

What the Postmaster General said in 1908 is true to a greater degree to-day.

As I said before, another objection to the present bill comes from those who contend that this bill which provides a system of parcel post does not go far enough; that it is a makeshift and will not give an unlimited parcel post. A careful reading of the bill will disclose the fact that the real purpose is to provide the very thing that its opponents deny it has given. It not only provides a flat rate of 12 cents per pound upon packages up to 11 pounds and a rate of 5 cents per pound for the first pound and 2 cents additional up to 11 pounds over the rural routes, but it specifically provides that a commission to be composed of Members of the House of Representatives and the Senate take up the question in an orderly, systematic way, and specifically provides the sum of \$25,000 for "a full and complete inquiry and investigation into the feasibility and propriety of the establishment of a general parcel post." This committee will have the assistance of all the testimony, documents, and records of the House and Senate, together with the very valuable testimony recently adduced at the hearings before the Interstate Commerce Commission, when the question of the excessive charges of express companies for carrying goods was in process of investigation, as well as the right to call experts to assist them in this work. It is proposed in at least two bills which have been introduced in the House and which, to all intents and purposes and the end to be obtained, to condemn and purchase the franchise, rights, real, and personal property, of express companies. Much circulation has been given not only to these bills, but to the speeches delivered on this subject in the House, with the result that there is a general demand caused, I think, by a misunderstanding of the facts and a wrong impression of the effects of these bills by the people at large, and especially by the farmers of the Nation. It is proposed in both these bills to condemn the franchises of the express companies and to cause them to be operated under the powers conferred upon the Post Office Department. To my mind, such a course is unwarranted.

#### THE EXPRESS COMPANIES AND THE PARCEL POST.

It is true that for years the express companies have been preying upon the people of the country who have had occasion and necessity to ship packages and parcels over their routes. It is also true that these express companies have made fabulous sums from their business. The revelations made in the Interstate Commerce Commission investigation into the conduct of the express business are astounding. For instance, it was discovered that the earnings of one company from the time of its formation to the time of the hearings had been \$598,158,930, and in that time it had distributed dividends amounting to \$43,500,000, yet it practically began business without a cent of actually invested capital. The Interstate Commerce Commission, in its second annual report on the statistics of express companies in the United States for the year ended June 30, 1910, shows that the net operating revenue of the 13 companies covered by its report increased from \$12,294,008 in 1909 to \$14,508,280 in 1910, a gain of \$2,214,272, or 18.01 per cent. I only offer these figures at this time for the purpose of showing that if the Federal Government undertakes to go into this business of a general parcel post—and it can do so at a profit—it

will practically wipe out any deficit in the Post Office Department. But why should the United States Government, by condemnation proceedings or by contract of sale with these express companies, take over their franchises, rights, and properties?

Mr. LEWIS. Mr. Chairman, would the gentleman from Pennsylvania desire to yield? If he does not, I will not press the question.

Mr. GREGG of Pennsylvania. My time is very limited.

Mr. LEWIS. I do not want to take up the gentleman's time, of course, if he does not desire me to ask the question.

Mr. GREGG of Pennsylvania. How much time have I remaining?

The CHAIRMAN. The gentleman has six minutes remaining.

Mr. GREGG of Pennsylvania. I think that is just about sufficient time to enable me to conclude.

Mr. LEWIS. If the gentleman prefers not to yield, under the circumstances, that is all right.

Mr. GREGG of Pennsylvania. If we proceed according to either of the bills that have been introduced, we do so by condemnation proceedings. Now, how do these bills provide, then, that the Government shall acquire the rights, privileges, and properties of the express companies? The bills themselves answer, by appraisal. This appraisal shall be made in the first instance by the Interstate Commerce Commission. And then, if either party shall be dissatisfied with the amount awarded, the same may, on appeal by either party, be reviewed and revised by a court of commerce, and from its determination a further appeal may lie on behalf of either party to the Supreme Court of the United States to determine the amount of the just compensation to which said express companies shall be entitled. If the express companies are making the fabulous sums that I have named, and which are correct according to the best statistics we can gather, will they willingly relinquish their franchises, rights, and properties to the Government, or will they contest this condemnation not only through the Interstate Commerce Commission but in the Commerce Court and in the Supreme Court of the United States?

You all know the delays of the appellate courts and the technicalities that are raised. Do you suppose that these express companies would give up their great profits without a fight to the last ditch? No. I will venture the prediction that with the usual law's delays, and in either case there would be no usual delays but unusual ones, that a decade would not see the end of these cases. Then why should the United States Government with all its facilities and with all its equipments pay the express companies gigantic prices and sums for a business that it is fully able to institute, originate, and conduct. The general balance-sheet statement of the express companies as of June 30, 1910, shows that the total assets of these 13 companies were \$204,710,036.91, and of this amount the items which are most directly devoted to the service approximate:

Real property.....	\$15,890,048.77
Equipment.....	9,435,620.17
Materials and supplies.....	332,494.76
Advance payments on contracts.....	5,685,833.34
Franchises, good will, etc.....	10,916,445.46
Total.....	43,260,442.50

Mr. LEWIS. Mr. Chairman, I think the gentleman ought to yield on that point. The gentleman is quoting the general balance sheet of the express companies of America as being something over \$200,000,000. He has not stated that at least \$160,000,000 of that balance sheet represents investments of the express companies in outside undertakings—investments wholly separable from the capital invested in the express functions per se, and without intention, of course, he may lead his hearers and readers to a false conception of the cost of acquiring the express companies of the country.

Mr. GREGG of Pennsylvania. I am afraid the gentleman was not paying very close attention.

Mr. LEWIS. I paid very close attention.

Mr. GREGG of Pennsylvania. I said the total assets of these 13 companies were \$204,710,000, and of this amount the items which are most directly devoted to the service approximate a total of \$43,260,442.50, which leaves a balance to be applied to the particular item to which the gentleman refers, and that is the very reason I say that the express companies will not, under any circumstance, agree to give up the things they now own without a great long fight.

Mr. LOBECK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Nebraska?

Mr. GREGG of Pennsylvania. Yes.

Mr. LOBECK. Would it be best for the Government, in the opinion of the gentleman, to buy their outside investments—

Mr. GREGG of Pennsylvania. I do not know whether it would be or not, if the gentleman from Nebraska will pardon me.

Mr. LOBECK. To prosecute the postal express company?

Mr. GREGG of Pennsylvania. What I do mean to say is this, that owing to the fact that these 13 express companies own these particular investments—

Mr. LOBECK. Outside—

Mr. GREGG of Pennsylvania. Yes; if you would in any way attempt to take away from them the carrying of express matter, such as they are carrying now, under those circumstances and owing to the fact that they do own these things that are probably valuable, and in view of the fact that they carry the amount of express matter that they do, they would fight us to the last ditch. We do not need to condemn the property of the express companies. I should oppose that feature of it. What I contend for is this, that through this commission that is provided for in section 8 of this bill, the United States Government can and will operate a system of express according to zones and according to the ideas which that particular commission shall report to Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREGG of Pennsylvania. I would like to have five minutes more, Mr. Chairman.

Mr. MOON of Tennessee. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GREGG] is recognized for five minutes more.

Mr. LOBECK. Then the gentleman would favor a zone system?

Mr. GREGG of Pennsylvania. I will come to that in a moment.

#### THE GOVERNMENT SHOULD ESTABLISH ITS OWN EXPRESS SYSTEM.

Thus it will be seen that these express companies can not be taken over by the Government without great cost and long and tedious legislation. I repeat that there is no necessity for an investment of this kind. The Government does not need to take them over at a cost of \$1,000,000 or many million dollars. All it needs to do is to establish its own express service by a parcel-post system.

Mr. LEWIS. Now, will the gentleman yield again?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Maryland?

Mr. GREGG of Pennsylvania. Yes.

Mr. LEWIS. The gentleman is a very ardent advocate, as I judge from his remarks, of the postal transport of the small shipment. Naturally, of course, he will favor its being carried on the most economical terms. I want to suggest to him that the advantage in taking over the express companies and the express contracts is that the Government would then be paying about 7 cents a ton-mile to the railways for carrying the shipments, whereas under the present postal railway pay we are paying about 12 cents a ton-mile, and the cost of acquiring the express companies would probably be saved to the Government in the first year of postal-express management in the mere matter of railway pay.

The gentleman used the expression "postal express," and I have no doubt that as a public servant he means the same general proposition that I do myself. That is the reason I suggested to the gentleman from Pennsylvania that I was constrained to take the view that the express proposition must be eliminated from the bill and the most advantageous terms of transportation by the railways be secured by securing the express contracts.

Mr. GREGG of Pennsylvania. The gentleman interrupted me for the purpose of asking a question, and now he has repeated a speech that I have already read in the Record. But I want to say to the gentleman that while it is true in a general way that it costs 12 cents a pound to carry the mail, I believe that includes mail of the first class and all similar mail. But if I read the report of the Postmaster General correctly, I think it was Postmaster General Meyer who said that mail of this character can be carried by arrangement with the railway companies at not over 9 cents a pound. I may be mistaken.

Mr. LEWIS. The gentleman misunderstood me. I spoke of 12 cents a ton-mile.

Mr. GREGG of Pennsylvania. I regret I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. GREGG of Pennsylvania. By an expenditure of sums of money, which do not necessarily need to be great, to enlarge its equipment and by the employment of more men it can give a service equal to and greater and better than any that any express company can render. This Government has always been able to handle great problems. Our superstructure has been built upon a sound basis, a business basis. On that we stand firm.

Every opportunity has been grasped and we have taken advantage of every statistic that we could add to our resource-



fulness as a business Nation. We can forge to the front in this kind of a parcel post. We can outclass the United Kingdom, France, Germany, and the other countries that have established and now maintain a parcel post. We can give to the people of our country, to the business men of our country a system of parcel post which will be universal in its character, which will stand first among the nations of the world.

I repeat there is no necessity for the purchase of express companies by this Government. Let us establish a system of our own. Let us establish a system that will give to our people such trade relations as they demand and as they need. This bill proposes this very thing. This bill temporarily provides for a general parcel post and for a limited parcel post over the rural routes. The commission that is provided for will take into consideration and will report to this Congress such facts, such statistics that will enable us to proceed along the lines I have suggested. This commission, through the information that has already been obtained and through expert testimony that will be taken, will seek to fix broad zones within which express matter can be carried at its actual cost. This actual cost will embrace no profits fabulous in their amount, but the real cost of transportation and the necessary amount of expense connected with its handling.

This bill if passed will give to the American people a parcel post unexcelled, unequalled, a strictly and emphatically American parcel post, and that means a system which will render the greatest service to the greatest number at the lowest cost, and without profit. [Applause.]

Mr. MOON of Tennessee. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21279, the Post Office appropriation bill, and had come to no resolution thereon.

ALICE V. HOUGHTON.

The SPEAKER laid before the House the following resolution of the Senate:

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5137) for the relief of Alice V. Houghton.

The SPEAKER. The question is on agreeing to the resolution of the Senate.

The resolution was agreed to.

PRIMARY NOMINATING ELECTION, DISTRICT OF COLUMBIA.

Mr. LOBECK. Mr. Speaker, I ask unanimous consent to file a supplemental report on House bill 21768, from the Committee on the District of Columbia, and ask that the report be printed and a reprint of the bill be had, showing amendments made by the committee.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 21768) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, do I understand that the bill as reported to the House does not carry all the amendments that were agreed to in the committee?

Mr. LOBECK. No, sir; it does not. I was instructed by the committee to put in the necessary amendments, so as to make it of date May 28, so that the election can take place this year. Hereafter it will be in April.

The SPEAKER. The gentleman from Nebraska [Mr. LOBECK] asks unanimous consent to file a supplemental report on the bill H. R. 21768, a primary bill for the District of Columbia, and also for a reprint of the bill and committee amendments thereto. Is there objection? [After a pause.] The Chair hears none.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4948. An act to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes"; to the Committee on Indian Affairs.

ADJOURNMENT.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 8 minutes p. m.) the House adjourned until Wednesday, April 10, 1912, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting estimate of appropriation required by the War Department for the construction on the Panama Canal Zone of a military barrack (H. Doc. No. 689), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. KITCHIN, from the Committee on Ways and Means, to which was referred the bill (H. R. 16690) for the relief of scientific institutions or colleges of learning having violated sections 3297 and 3297a of the Revised Statutes and the regulations thereunder, reported the same without amendment, accompanied by a report (No. 512), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 22642) providing for the protection of the interests of the United States in lands and waters comprising any part of the Potomac River, the Anacostia River or Eastern Branch, and Rock Creek and lands adjacent thereto, reported the same without amendment, accompanied by a report (No. 513), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 22580) to authorize the change of the name of the steamers *Syracuse* and *Boston*, reported the same without amendment, accompanied by a report (No. 514), which said bill and report were referred to the House Calendar.

Mr. BURNETT, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 13774) providing for the sale of the old post-office property at Providence, R. I., by public auction, reported the same with amendment, accompanied by a report (No. 515), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 1524) to authorize the construction and maintenance of a dam or dams across the Kansas River in western Shawnee County or in Wabaunsee County, in the State of Kansas, reported the same with amendment, accompanied by a report (No. 517), which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 5045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 510), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5193) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 511), which said bill and report were referred to the Private Calendar.

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the bill (H. R. 15286) for the relief of Gustav A. Hesselberger, reported the same with amendment, accompanied by a report (No. 516), which said bill and report were referred to the Private Calendar.

Mr. BURKE of Wisconsin, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 23063) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of such soldiers and sailors, accompanied by a report (No. 509), which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McGUIRE of Oklahoma: A bill (H. R. 23064) for the relief of the Iowa Indians in Oklahoma; to the Committee on Indian Affairs.

By Mr. CANDLER: A bill (H. R. 23065) to prohibit the receipt, delivery, or transmission of interstate or foreign messages, or other information to be used in connection with, and to prohibit interstate and foreign transactions of every character and description that in anywise depend upon margins as a part thereof, and for other purposes; to the Committee on Agriculture.

By Mr. BARTHOLOTT: A bill (H. R. 23066) to amend an act to regulate the immigration of aliens into the United States, approved February 20, 1907; to the Committee on Immigration and Naturalization.

By Mr. HUMPHREY of Washington: A bill (H. R. 23067) to amend the laws relating to navigation; to the Committee on the Merchant Marine and Fisheries.

By Mr. RUCKER of Missouri: A bill (H. R. 23068) to amend an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected"; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. CLAYTON: A bill (H. R. 23069) to amend section 4 of the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies"; to the Committee on the Judiciary.

Also, a bill (H. R. 23070) to increase the limit of cost of public building at Enfauila, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. UNDERWOOD: A bill (H. R. 23071) to amend paragraph 709 of section 1 of the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. LINDBERGH: Resolution (H. Res. 484) compelling Members of the House to file a statement with the Clerk showing the nature of any and all kinds of business they may have interests in, together with pecuniary interests of their families, etc.; to the Committee on Rules.

By Mr. RUCKER of Missouri: Resolution (H. Res. 485) authorizing the appointment of a select committee to determine as to whether or not money has been used to influence legislation, etc.; to the Committee on Rules.

By Mr. CLAYTON: Resolution (H. Res. 486) authorizing payment of certain expenses incurred by the Committee on the Judiciary; to the Committee on Accounts.

By Mr. McCALL: Concurrent resolution (H. Con. Res. 49) to print 10,000 copies of Bulletin No. 91, entitled "The importation into the United States of the parasites of the gipsy moth and the brown-tail moth"; to the Committee on Printing.

By Mr. GARDNER of Massachusetts: Joint resolution (H. J. Res. 292) authorizing the Secretary of the Interior to lease to benevolent and fraternal organizations for a term of years certain public lands; to the Committee on the Public Lands.

Also, memorial of the Legislature of Massachusetts relating to improvement of the Merrimac River; to the Committee on Rivers and Harbors.

By Mr. CURLEY: Memorial of the Legislature of Massachusetts relating to improvement of the Merrimac River; to the Committee on Rivers and Harbors.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BURKE of Wisconsin: A bill (H. R. 23063) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. ANTHONY: A bill (H. R. 23072) granting a pension to Elizabeth McDowell; to the Committee on Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 23073) granting a pension to Emory O. Maples; to the Committee on Pensions.

Also, a bill (H. R. 23074) granting a pension to Nancy A. Aydelott; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 23075) granting an increase of pension to Hiram D. Beckett; to the Committee on Invalid Pensions.

By Mr. BULKLEY: A bill (H. R. 23076) to remove the charge of desertion from the military record of Charles V. Wells; to the Committee on Military Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 23077) granting an increase of pension to Hiram Hardwick; to the Committee on Pensions.

By Mr. CRAVENS: A bill (H. R. 23078) granting patent to certain lands to the legal heirs of W. F. Nichols; to the Committee on the Public Lands.

By Mr. CULLOP: A bill (H. R. 23079) granting an increase of pension to James G. Bullock; to the Committee on Invalid Pensions.

By Mr. DENT: A bill (H. R. 23080) for the relief of George P. Heard; to the Committee on Military Affairs.

By Mr. DICKINSON: A bill (H. R. 23081) granting an increase of pension to William D. Reed; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 23082) granting a pension to John W. Martin; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 23083) granting an increase of pension to John Lamott; to the Committee on Invalid Pensions.

By Mr. FORNES: A bill (H. R. 23084) to reinstate Edward P. Diefer as second lieutenant in the United States Marine Corps; to the Committee on Naval Affairs.

By Mr. GOOD: A bill (H. R. 23085) granting an increase of pension to Samuel P. Foy; to the Committee on Invalid Pensions.

By Mr. GRAY: A bill (H. R. 23086) to correct the military record of Henry L. Kester; to the Committee on Military Affairs.

By Mr. HARDWICK: A bill (H. R. 23087) for the relief of estate of William Brantley Ryle, deceased; to the Committee on War Claims.

By Mr. HARDY: A bill (H. R. 23088) for the relief of the heirs of Uriah Ward; to the Committee on War Claims.

By Mr. HARTMAN: A bill (H. R. 23089) granting an increase of pension to Joshua B. Williams; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 23090) granting an increase of pension to Isaac Hutchins; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 23091) granting an increase of pension to John Kelly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23092) granting a pension to Frederick P. Tuite; to the Committee on Pensions.

By Mr. McCALL: A bill (H. R. 23093) for the relief of Mordecai P. Bean; to the Committee on Military Affairs.

Also, a bill (H. R. 23094) granting a pension to Felix Legan; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 23095) granting an increase of pension to Owen Hymer, alias Owen Bhymer; to the Committee on Invalid Pensions.

By Mr. NEELEY: A bill (H. R. 23096) granting an increase of pension to Jesse N. Albright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23097) granting an increase of pension to William Sowards; to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 23098) to correct the military record of Joseph Gorman; to the Committee on Military Affairs.

By Mr. OLMSTED: A bill (H. R. 23099) granting an increase of pension to Christian Sharer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23100) granting an increase of pension to James Appleton; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 23101) granting an increase of pension to Robert H. Bickers; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 23102) granting a pension to Elizabeth B. Preston; to the Committee on Pensions.

By Mr. STANLEY: A bill (H. R. 23103) for the relief of Martha A. Troop; to the Committee on Military Affairs.

By Mr. YOUNG of Kansas: A bill (H. R. 23104) granting an increase of pension to Joseph McMullen; to the Committee on Invalid Pensions.



Also, a bill (H. R. 23105) granting an increase of pension to C. F. S. Aimes; to the Committee on Invalid Pensions.

By Mr. WICKERSHAM: A bill (H. R. 23106) for the relief of Henry States; to the Committee on the Territories.

By Mr. WILLIS: A bill (H. R. 23107) granting an increase of pension to John C. Babbs; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON of Minnesota: Petition of W. J. Disney & Sons and 7 others, of Zumbro Falls, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of W. F. Croul and 8 other citizens of Layland and Killbuck, Ohio, asking for immediate enactment of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Licking Division of Ohio, No. 166, Order of Railway Conductors, asking for the passage of Senate bill 5342 and House bill 20487, the employers and workmen's compensation act; to the Committee on the Judiciary.

Also, petition of W. A. Walton and 20 other citizens of Newark, Ohio, protesting against the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. BULKLEY: Memorial of the Cleveland Clearing House Association, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Memorial of the Amateur Athletic Union, for appointment of a commissioner to represent the United States at the coming Olympian championships; to the Committee on Foreign Affairs.

Also, petition of M. C. Reeves, of Brooklyn, N. Y., for construction of a Lincoln memorial road from Washington to Gettysburg; to the Committee on the Library.

Also, petition of Central Federated Union of Greater New York and vicinity, for conferring American citizenship on Porto Ricans and creating a department of labor and agriculture for the island; to the Committee on Insular Affairs.

Also, memorial of Chamber of Commerce of the State of New York, for enactment of House bill 20044, for the improvement of the foreign service; to the Committee on Foreign Affairs.

Also, memorial of the Chamber of Commerce of the State of New York, for creation of a Federal commission on industrial relations; to the Committee on Rules.

Also, petition of Local Union No. 132, Cigarmakers' International Union of America, for enactment of House bill 17253; to the Committee on Ways and Means.

Also, memorial of Cordova (Alaska) Chamber of Commerce, for certain improvements in that Territory; to the Committee on the Territories.

By Mr. CAMPBELL: Petition of citizens of the third congressional district of Kansas, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CATLIN: Petitions of the Williams Patent Crusher & Pulverizer Co. and of the Whitman Agricultural Co., of St. Louis, Mo., against House bill 21100, providing for a trial by jury in contempt cases; to the Committee on the Judiciary.

By Mr. COX of Ohio: Petition of citizens of Dayton, Ohio, for an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. CURLEY: Petition of citizens of Boston, Mass., for enactment into law of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Memorial of the Chamber of Commerce of the State of New York, for amending the navigation laws; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Chamber of Commerce of the State of New York, relative to operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of Central Federated Union of Greater New York and vicinity, for conferring American citizenship on Porto Ricans and creation of a department of labor and agriculture in that island; to the Committee on Insular Affairs.

By Mr. FLOYD of Arkansas: Papers to accompany bill for the relief of John Estep (H. R. 16729); to the Committee on Invalid Pensions.

By Mr. FORNES: Papers to accompany bill to reinstate Edward P. Dieter as second lieutenant in the United States Marine Corps; to the Committee on Naval Affairs.

Also, memorial of the Chamber of Commerce of the State of New York, for amending the navigation laws; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Chamber of Commerce of the State of New York, relative to the operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER: Petitions of citizens of Effingham and Vandalia, Ill., against the enactment of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of the Chamber of Commerce of the State of New York, against proposed prohibition in the use of the Panama Canal by steamship companies in which railway companies have an interest, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Central Federated Union of Greater New York and vicinity, for American citizenship and the creation of a department of labor and agriculture for Porto Rico; to the Committee on Insular Affairs.

By Mr. GARNER: Petition of St. Henry's Society, of New Berlin, Tex., relative to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, petition of Lodge No. 491, Brotherhood of Locomotive Firemen and Enginemen, for enactment of the proposed employees' compensation act; to the Committee on the Judiciary.

Also, petition of citizens of Mercedes, Tex., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. GARRETT: Petition of residents of Martin, Tenn., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. GOLDFOGLE: Petition of the Central Federated Union of Greater New York and vicinity, for conferring American citizenship on Porto Ricans and creation of a department of labor and agriculture in that island; to the Committee on Insular Affairs.

Also, memorial of the Amateur Athletic Union, for appointment of a commissioner to represent the United States at the coming Olympian championships; to the Committee on Foreign Affairs.

Also, memorial of the Chamber of Commerce of the State of New York, for enactment of House bill 20044, for the improvement of the foreign service; to the Committee on Foreign Affairs.

Also, memorial of the Chamber of Commerce of the State of New York, for creation of a Federal commission on industrial relations; to the Committee on Rules.

Also, memorial of the Cordova (Alaska) Chamber of Commerce, for certain improvements in that Territory; to the Committee on the Territories.

Also, memorial of the Pittsburgh City Council, remonstrating against extension of the permit to build a bridge over the Monongahela River in the city of Pittsburgh, Pa., as contemplated in House bill 21292; to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA: Petition of citizens of the State of North Dakota, urging repeal of the reciprocity treaty with Canada; to the Committee on Ways and Means.

Also, petition of Barthel Gimster, of Haynes, N. Dak., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of citizens of the State of North Dakota, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of C. D. Hathaway, of Merricourt, N. Dak., protesting against further extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Joseph Matters and E. B. Matters, of Fargo, N. Dak., for enactment of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HARDWICK: Petition of B. F. Ryle, heir of William Brantley Ryle, deceased, praying reference of his claim to the Court of Claims under section 151 of the act approved March 3, 1911; to the Committee on War Claims.

By Mr. HARDY: Papers to accompany bill for the relief of Uriah Ward; to the Committee on War Claims.

By Mr. HARTMAN: Petition of citizens of Johnstown, Pa., for certain amendment to the Federal Constitution; to the Committee on the Judiciary.

By Mr. HAYES: Memorial of the Chamber of Commerce of Alameda, Cal., in favor of Lincoln memorial; to the Committee on the Library.

Also, memorial of the Chambers of Commerce of Sunnyside, Oakland, and Alameda, Cal., in favor of passage of House bill 18227; to the Committee on the Public Lands.

Also, petition of C. D. Stoesser, of Watsonville, Cal., opposing passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the C. S. Pierce Lumber Co., Fresno, Cal., opposing the passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Sign and Pictorial Painters' Union No. 310, of San Francisco, Cal., opposing action of W. B. Moses & Son, of Washington, D. C.; to the Committee on Labor.

Also, petition of the California Retail Grocers and Merchants' Association, against parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of the San Francisco (Cal.) Labor Council, in favor of House bill 20423; to the Committee on the Judiciary.

Also, petition of U. S. Grant Council, No. 19, Junior Order United American Mechanics, disapproving immigration bill now before the Senate; to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of California, favoring passage of the Kent bill to restore citizenship to American women who marry foreigners; to the Committee on the Judiciary.

Also, memorial of the Chamber of Commerce, San Francisco, Cal., in favor of House bill 20626; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Varsity Theater, Palo Alto, Cal., against House bill 20595, to amend section 25 of the copyright act of 1909; to the Committee on Patents.

Also, petition of citizens of Saratoga, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. KAHN: Petitions of Luhman & Creon and F. B. Voorhies & Sons, of San Francisco, Cal., for enactment of House bill 21225; to the Committee on Agriculture.

Also, petition of United States Indian Warriors, of San Francisco, Cal., for pensioning of the officers and enlisted men who served in the Indian wars between 1865 and 1890; to the Committee on Pensions.

Also, petition of the California Barrel Co., of San Francisco, Cal., for free passage of American ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the California Retail Grocers and Merchants' Association, of San Francisco, Cal., opposing parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the California Development Board of San Francisco, Cal., for appropriation to enforce the white slave traffic act; to the Committee on Appropriations.

Also, memorial of Polish Society of California, opposing further restrictions on immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of the Chamber of Commerce of San Francisco, Cal., for enactment of House bill 20626; to the Committee on the Merchant Marine and Fisheries.

Also, petition of T. C. Friedlander, of San Francisco, Cal., for appropriation for improvements in the light and fog signal stations on the coast of California; to the Committee on Interstate and Foreign Commerce.

By Mr. KINDRED: Petition of the Chamber of Commerce of the State of New York, for amending the navigation laws; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the National Rivers and Harbors Congress, Washington, D. C., for free passage of American ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Central Federated Union of Greater New York and Vicinity, urging that American citizenship be conferred on Porto Ricans and that a department of labor and agriculture be created for that island; to the Committee on Insular Affairs.

By Mr. LINDSAY: Memorial of the Chamber of Commerce of the State of New York, for amending the navigation laws; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Chamber of Commerce of the State of New York, relative to the operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Central Federated Union of Greater New York and Vicinity, urging that American citizenship be conferred on Porto Ricans, and that a department of labor and agriculture be created for that island; to the Committee on Insular Affairs.

By Mr. LOBECK: Memorial of the Northeast Washington Citizens' Association, protesting against any increase of salaries of officials of the District of Columbia who now receive more than \$2,000; to the Committee on the District of Columbia.

Also, memorial of the Los Angeles (Cal.) Chamber of Commerce, for free tolls to American ships in Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of 29 citizens of Rusk, Nebr., against parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. MCCOY: Petition of Hat Finishers' Union, Local No. 14, United Hatters of North America, favoring passage of Hamill bill, for retirement of civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. MOTT: Petition of the Chamber of Commerce of State of New York, in favor of the opening of the Panama Canal to all tonnage; to the Committee on Interstate and Foreign Commerce.

Also, petition of Smithville Grange, Smithville, N. Y., favoring enactment of parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. NYE: Petition of Cooper Machine Operators, Local No. 75, of Minneapolis Minn., favoring construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. PATTEN of New York: Memorial of the Chamber of Commerce of the State of New York, for amending the navigation laws; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Chamber of Commerce of the State of New York, relative to operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Papers to accompany House bill 19460; to the Committee on Invalid Pensions.

By Mr. REDFIELD: Memorial of the Chamber of Commerce of the State of New York, for enactment of House bill 20044, for the improvement of the foreign service; to the Committee on Foreign Affairs.

Also, memorial of the Chamber of Commerce of the State of New York, for creation of a commission on industrial relations; to the Committee on Rules.

By Mr. REYBURN: Petition of the Central Federated Union of Greater New York and Vicinity, urging that American citizenship be conferred on Porto Ricans and that a department of labor and agriculture be created for that island; to the Committee on Insular Affairs.

Also, resolution of the Philadelphia (Pa.) Drug Exchange, in favor of 1-cent postage; to the Committee on the Post Office and Post Roads.

By Mr. ROBERTS of Nevada: Petition of citizens of Sparks, Nev., asking that a clause be inserted in naval appropriation bill providing for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of citizens of Nevada, in favor of House bill 16450, to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, etc.; to the Committee on the Judiciary.

By Mr. WEDEMAYER: Petition of citizens of Ann Arbor, Mich., for the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WILLIS: Papers to accompany House bill 22062, granting a pension to Armita Lary; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 4639, granting an increase of pension to Williamson T. Tway; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Petition of the Central Federated Union of Greater New York and Vicinity, for conferring American citizenship on Porto Ricans and creating a department of labor and agriculture for that island; to the Committee on Insular Affairs.

Also, memorial of the Chamber of Commerce of the State of New York, for the creation of a Federal commission on industrial relations; to the Committee on Rules.

Also, memorial of the Chamber of Commerce of the State of New York, for enactment of House bill 20044, for the improvement of the foreign service; to the Committee on Foreign Affairs.

Also, memorial of the Chamber of Commerce of the State of New York, relative to operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Chamber of Commerce of the State of New York, for amending the navigation laws; to the Committee on the Merchant Marine and Fisheries.

Also, memorials of the Allied Boards of Trade and Taxpayers' Association and the Twenty-eighth Ward Taxpayers' Protective Association, of Brooklyn, N. Y., for the building of battleships at the Brooklyn Navy Yard; to the Committee on Naval Affairs.